EXHIBIT 30

1 Stephen Montoya (#011791)
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2 3200 North Central Avenue, Suite 2550
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3 602-256-6718 (telephone)
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4 stephen@montoyalawgroup.com

5 Attorney for Cleopatria Martinez

6

7   BEFORE THE GOVERNING BOARD OF THE

8   MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT

9

10 Maricopa County Community College
    District,   **CLEOPATRIA MARTINEZ'S LIST**
11   **OF WITNESSES AND EXHIBITS**
    v.
12
    Cleopatria Martinez
13

14

15   Pursuant to the Hearing Committee's <u>Preliminary Scheduling Order</u> of

16 October 16, 2013, Professor Martinez submits the following <u>List of Witnesses and</u>
17
    <u>Exhibits</u>.
18

19 **Witnesses**

20   1.   Amalia Villegas
21
            Professor Villegas is a colleague of Professor Martinez who teaches
22   in Phoenix College's Counseling Department. Professor Villegas
            witnessed several of Professor Martinez's pre-disciplinary meetings
23   with Administration and will attest to the arbitrary, capricious, and
24   unnecessarily hostile nature of Administration's dealings with
            Professor Martinez.
25

26   2.   Maria Herrera-Bill

27   Professor Herrera-Bill is a colleague of Professor Martinez who
            teaches in Phoenix College's Mathematics Department. Professor
28   Herrera-Bill will testify regarding Professor Martinez's good faith and

professionalism and the District's policies regarding copying student hand-outs, notes, and course materials.

3.   Fredric Bellamy

Mr. Bellamy is a practicing attorney and an expert in intellectual property law, including copyright. He will testify in accordance with his written opinion of December 16, 2010 and will also analyze the written opinions of the attorneys hired by the Administration regarding this issue.

4.   Johnny Santellan

Mr. Santellan is an adjunct faculty member in the Phoenix College Mathematics Department. He will testify regarding the content of the material that Professor Martinez asked him to copy for use in the mathematics class.

5.   Elena Sung

Professor Sung is a former colleague of Professor Martinez who taught in Phoenix College's Mathematics Department before she retired approximately two to three years ago. Professor Sung will testify regarding Professor Martinez's good faith and professionalism and the District's policies regarding copying student hand-outs, notes, and course materials.

6.   Anne Roselle

Ms. Roselle is a Librarian at Phoenix College. The Administration directed Professor Martinez to seek Ms. Roselle's advice regarding copyright requirements. Ms. Roselle will testify to Professor Martinez's good faith efforts to acquaint herself with copyright requirements in order to comply with related District directives.

7.   Cindy Cloud

Professor Cloud is a colleague of Professor Martinez who teaches in Phoenix College's Business Department. Professor Cloud will testify to Professor Martinez's good faith efforts to comply with the Administrative directives.

8.   Ernesto Escobedo

Professor Escobedo is a former colleague of Professor Martinez in the Mathematics Department of Glendale Community College who retired after over two decades of service in 2013. He will testify as to the customs regarding copying course materials, notes, and student hand-outs in the District. He will also testify to Professor Martinez's honesty and professionalism.

Exhibits

1.   3.4 Trigonometry Identities

2.   18 Basic Graphs & Conics

3.   Math 187—Fall 2010 Pre-calculus (Algebra) Outline

4.   Math 182—Spring 2010 Plane Trigonometry Outline

5.   Mat187 Test 1   1.1-1.10

6.   Domain & Range of Graphs

7.   Homework for Transformations

8.   Inverse Trigonometric Functions

9.   Calculus I 20 Basic Integration Formulas

10.   Tim Bryan's Intermediate Algebra Outline for Syllabus Spring 2011

11.   Chapter 2 Fractions Test for M082

12.   Attachment A sent to Governing Board 2011 regarding violations to academic freedom

13.   Tom Adamson's email regarding Scholarships from math dept, dated February 7, 2011

14.   Email from Cleopatria Martinez to Joe Sueyoshi regarding "Request copies of my Fall 2011 Schedule," dated August 21, 2011

15.   Email from Casandra Kakar to Cleopatria Martinez regarding "Print Request," dated September 21, 2010

-3-

16.   Email from Cleopatria Martinez to Joe Sueyoshi regarding "Lecture notes," dated September 22, 2011

17.   Email from Cleopatria Martinez to Casandra Kakar regarding "Request Permission to Develop Materials," dated April 4, 2012

18.   Letter to Cleopatria Martinez from Fredric Bellamy, dated December 16, 2010

19.   Professional biography of Fredric Bellamy

20.   Staples receipt dated April 2, 2013

21.   Email from Lee Combs to Cleopatria Martinez regarding "$11 Refund," dated December 13, 2012

22.   Email from Estelle Simpson to Cleopatria Martinez regarding "Substitution of my problems," dated August 23, 2010

23.   Email from Joe Sueyoshi to Cleopatria Martinez regarding "Latest Copy Request," dated September 13, 2011

24.   Email from Casandra Kakar to Cleopatria Martinez regarding "Latest Copy Request," dated September 16, 2011

25.   Email from Lee Combs to Margaret McConnell regarding "Conversation Today," dated April 8, 2010

26.   Email from Cleopatria Martinez to Anna Solley regarding "Request for meeting with Dr. Solley," dated April 13, 2010

27.   Email from Casandra Kakar to Cleopatria Martinez regarding "Informal Grievance," dated September 22, 2011

28.   Email from Joe Sueyoshi to Cleopatria Martinez regarding Vocabulary notes, dated February 7, 2011

29.   Summary of Trigonometry Identities

30.   Geometry Summary

31.   Permission to use handouts signed by Elena Sung, dated February 7, 2011

32.   April 15 10.3 Problems 1-8 and 19-27 odd

-4-

33. Description of Professor Martinez's notes

34. Email from Cleopatria Martinez to Amalia Valle Villegas regarding "Request copies of my Fall 2011 Schedule," dated September 1, 2011

35. Email from Cleopatria Martinez to Anna Solley regarding "Electronic copy of Dec 9, 2010, letter," dated January 7, 2011

36. Email from David Munoz to Cleopatria Martinez regarding "Acknowledgment of Receipt," dated January 11, 2011

37. Email to Cleopatria Martinez regarding "Pay.Gov Payment Confirmation," dated January 11, 2011

38. Email from Melissa Sailors to Lee Combs regarding "previous request for information re: Cleopatria Martinez," dated January 11, 2011

39. Email from Anna Solley to Cleopatria Martinez regarding "Electronic Copy of Dec 9, 2010, letter," dated January 14, 2011

40. Email from Anna Solley to Cleopatria Martinez regarding "MAT120 Outline for Spring 2011," dated January 18, 2011

41. Email from Anna Solley to Cleopatria Martinez regarding "December 9, 2010 Directive," dated February 3, 2011

42. Email from Anna Solley to Cleopatria Martinez regarding "Copy Request: MAT120 Homework Outline for Syllabus," dated February 8, 2011

43. Email from Anna Solley to Cleopatria Martinez regarding "Tests for M120," dated February 14, 2011

44. Email from Anna Solley to Cleopatria Martinez regarding "Meeting Request," dated February 17, 2011

45. Email from Cleopatria Martinez to Anna Solley regarding "Meeting Request," dated February 18, 2011

46. Email from Anna Solley to Cleopatria Martinez regarding "Meeting Request," dated February 17, 2011

47. Email from Cleopatria Martinez to Anna Solley regarding "December 9, 2010 Directive," dated January 27, 2011

48. Email from Anna Solley to Cleopatria Martinez regarding "Copy Request: MAT120 Homework Outline for Syllabus," dated February 4, 2011

49. Email from Joe Sueyoshi to Cleopatria Martinez regarding "Copy Calc Ch 3 Test," dated April 4, 2011

50. Email from Joe Suyeoshi to Cleopatria Martinez regarding "Copy Calc Ch 3 Test," dated April 4, 2011

51. Email from Joe Sueyoshi to Cleopatria Martinez regarding "Copy Calc Ch 3 Test," dated April 5, 2011

52. Email from Cleopatria Martinez to Joe Sueyoshi regarding "Copy Calc Ch 3 Test," dated April 7, 2011

53. Email from Cleopatria Martinez to Wilbert Nelson regarding "Textbook Required?" dated April 11, 2011

54. Email from Cleopatria Martinez to Karen Lee regarding "Request permission to copy my lecture notes," dated September 20, 2011

55. Email from Casandra Kakar to Cleopatria Martinez regarding "Exam with Graph," dated April 2, 2012

56. Email from Casandra Kakar to Cleopatria Martinez regarding "Copy Request: Trig Identities, dated October 12, 2011

57. Email of September 11, 2013 from Lee Combs to the Hearing Committee.

Respectfully submitted this 1st day of November 2013.

MONTOYA, JIMENEZ & PASTOR, P.A.

s/ Stephen Montoya
Stephen Montoya
3200 North Central Avenue, Suite 2550
Phoenix, Arizona 85012
Attorney for Plaintiff

1   I hereby certify that on November 1, 2013, the foregoing document was sent via
    email and hand-delivery to:
2

3   Ernest Calderon
    Ridenour Hienton & Lewis, PLLC
4   201 North Central Avenue, Suite 3300
    Phoenix, Arizona 85004
5   ecalderon@rhlfirm.com
6   Counsel to the Hearing Committee

7   Copy sent via only email to:

8
    Pavneet Uppal
9   Fisher & Phillips, LLP
    201 East Washington Street, Suite 1450
10 Phoenix, Arizona 85004
    puppal@laborlawyers.com
11 Attorney for Maricopa County
12 Community College District

13
    s/ Stephen Montoya
14

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-7-

EXHIBIT 1

3.4 TRIGONOMETRY IDENTITIES

Reciprocal Identities:

1) $\sin x = \dfrac{1}{\csc x}$
2) $\sec x = \dfrac{1}{\cos x}$
3) $\tan x = \dfrac{1}{\cot x}$

4) $\csc x = \dfrac{1}{\sin x}$
5) $\cos x = \dfrac{1}{\sec x}$
6) $\cot x = \dfrac{1}{\tan x}$

Pythagorean Identities:

7) $\sin^2 x + \cos^2 x = 1$
8) $1 + \tan^2 x = \sec^2 x$
9) $1 + \cot^2 x = \csc^2 x$

Tangent and Cotangent Identities:

10) $\tan x = \dfrac{\sin x}{\cos x}$
11) $\cot x = \dfrac{\cos x}{\sin x}$

Cofunction Identities:

12) $\sin\left(\dfrac{\pi}{2} - \theta\right) = \cos\theta$
13) $\cos\left(\dfrac{\pi}{2} - \theta\right) = \sin\theta$
14) $\tan\left(\dfrac{\pi}{2} - \theta\right) = \cot\theta$

15) $\csc\left(\dfrac{\pi}{2} - \theta\right) = \sec\theta$
16) $\sec\left(\dfrac{\pi}{2} - \theta\right) = \csc\theta$
17) $\cot\left(\dfrac{\pi}{2} - \theta\right) = \tan\theta$

Negative Angle Identities:

18) $\sin(-\theta) = -\sin\theta$
19) $\cos(-\theta) = \cos\theta$
20) $\tan(-\theta) = -\tan\theta$

21) $\csc(-\theta) = -\csc\theta$
22) $\sec(-\theta) = \sec\theta$
23) $\cot(-\theta) = -\cot\theta$

Sum and Difference Formulas: 24&25) $\tan(\alpha \pm \beta) = \dfrac{\tan\alpha \pm \tan\beta}{1 \mp \tan\alpha\tan\beta}$

26&27) $\sin(\alpha \pm \beta) = \sin\alpha\cos\beta \pm \cos\alpha\sin\beta$

28&29) $\cos(\alpha \pm \beta) = \cos\alpha\cos\beta \mp \sin\alpha\sin\beta$

Power-Reducing Formulas:

30) $\sin^2\theta = \dfrac{1 - \cos 2\theta}{2}$
31) $\cos^2\theta = \dfrac{1 + \cos 2\theta}{2}$
32) $\tan^2\theta = \dfrac{1 - \cos 2\theta}{1 + \cos 2\theta}$

Double-Angle Formulas:

33) $\sin 2\theta = 2\sin\theta\cos\theta$
34) $\tan 2\theta = \dfrac{2\tan\theta}{1 - \tan^2\theta}$

35-37) $\cos 2\theta = \cos^2\theta - \sin^2\theta = 2\cos^2\theta - 1 = 1 - 2\sin^2\theta$

38-40) Label the sides and the angles of the three triangles shown.
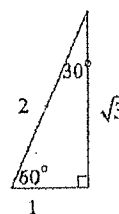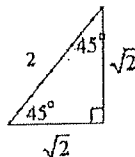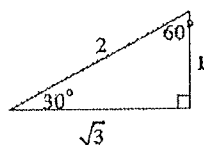
EXHIBIT 2

18 Basic Graphs & Conics

Precalculus (Algebra)- Basic Graphs, Domain, and Range

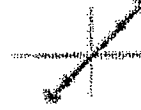Identify the equation and the name of the 18 graphs below:

1. Equation _____

Name _____

2. Eqn _____

Name _____

3. Eqn _____

Name _____

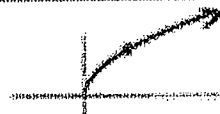4. $y = mx + b$ is the Linear Function, and $y = x$ is the Identity Function

5. Equation _____
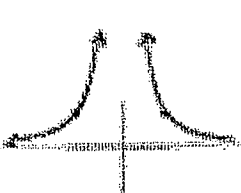
Name _____

6. Eqn _____
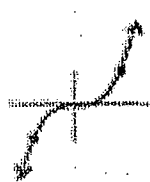
Name _____

7. Eqn _____

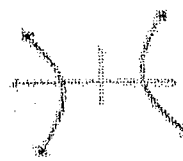Name _____

8. Eqn _____

Name _____

9. Eqn _____

Name _____
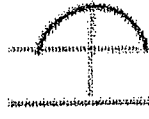
10. Eqn _____

Name _____

11. Eqn _____

Name _____

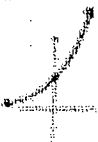12. Eqn _____

Name _____

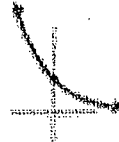13. Eqn _____

Name _____

14. Eqn _____

Name _____

15 & 16. Eqn _____

Name _____

17 & 18. Eqn _____

Name _____

EXHIBIT 3

This outline was not copied because *page numbers refer to lecture notes* and not to the required textbook. My request to copy was denied even when only the middle section was submitted. The reason given was that the outline "lists section numbers for materials that students do not have, according to you. They reflect the sections of the document that is of concern to our legal department at district, your department chair and me." (Kakar email)

MAT 187 Precalculus (Algebra & Trigonometry)   Page 3 of 64   Spring 2010

Math 187—Fall 2010
Precalculus (Algebra) Outline

Homework
Due Date   *Chapter 1 – Graphs, Equations, & Inequalities*   Page

Chapter 2 – Functions & Solving Equations

Math 187—Fall 2010
Precalculus (Algebra) Outline

Homework Due Date		Chapter 1 – Graphs, Equations, & Inequalities	Page
	1.1	18 Basic Graphs, Domain, Range	3
	1.2	Transformations	7
	1.3	Use Intercepts to Graph Lines	13
	1.4	Slope; the Equation of a Line; Graphing	14
	1.5	Symmetry	18
		Conics	22
	1.6	Parabola	23
	1.7	Circle	25
	1.8	Ellipse	27
	1.9	Hyperbola	30
	1.10	Using the graphing calculator	33
	1.11	Inequalities and Absolute Value	36

Chapter 2 – Functions & Solving Equations

		Elementary Functions	
	2.1.12	Functions, Graphs, Linear, Quadratic, Polynomial	42
	2.2.13	Rational Functions, Asymptotes	46
	2.3.14	Composite, One-to-One, Identity, Inverse functions	48
		Transcendental Functions	
	2.4.15	Exponential Functions	53
	2.5.16	Logarithmic Functions	55
		Trigonometric functions will be in the next chapter	
		Methods for Solving Equations	
	2.6.17	Exponential and Logarithmic Equations	57
	2.7.18	Zero-Factor Rule	59
	2.8.19	Completing the Perfect Square Trinomial	60
	2.9.20	Quadratic Formula	62
	2.10.21	Rational Equations	63

This Test was not copied because the test is aligned with my lecture notes and not the textbook.

MAT 187   Fall 2009

Test 1.1-1.10   (Precalculus)

Name_____

Show all your work for full credit

MAT187 Precalculus (Algebra & Trigonometry)   Page 3 of 64   Spring 2010

Math 187—Fall 2010
Precalculus (Algebra) Outline

Homework
Due Date   *Chapter 1 – Graphs, Equations, & Inequalities*   Page

Chapter 2 – Functions & Solving Equations

MCCCD/Martinez 03022

EXHIBIT 4

This Page 2 of the outline for my MAT182 trigonometry class because it may have copyright violations

Math 182—Spring 2010
Plane Trigonometry Outline

MAT 182 Final Exam   Wednesday, May 12
10:00 - 11:50 am   in   Room B210

EXHIBIT 5

1. Give an example of each of the following functions. What is the general name of these functions?

Linear	Quadratic	Cubic	Polynomial	Rational

2. Give the name and an example of three types of transcendental functions.

a) _____   b) _____   c) _____

a) _____   b) _____   c) _____

3. Find the difference quotient , $\dfrac{f(x+h)-f(x)}{h}$, $h \neq 0$, for $f(x) = 3x - 6$. Simplify the answer.

4. Name the three types of symmetry.

5. Sketch the graph of $f(x)$ and find the values identified below.

$$f(x) = \begin{cases} x^2 & \text{if } x < 0 \\ 2 & \text{if } x = 0 \\ 2x+1 & \text{if } x > 0 \end{cases}$$

Find   (a) f(-2)_____

(b) f(0) _____

(c) f(2)_____

6. Graph $8x + 5y = 20$ using intercepts.

7. Write an equation for the line through the two points $(-1,5)$ and $(3,-3)$.

8. List the intercepts and test for symmetry for the equation $y^2 = x + 4$.

9. What type of graph is $x^2 - 5x + y - 3 = 0$? Write it in standard form and graph it.

10. Graph $\left(x + \frac{1}{2}\right)^2 + \left(y - \frac{5}{2}\right)^2 = 25$

11. Write $25x^2 + 16y^2 + 100x - 96y - 156 = 0$ in graphing format and graph.

12. Graph the following.

$$\frac{(x-1)^2}{16} - \frac{(y-1)^2}{9} = 1$$

13. *Solve* $3(4x-5)+9 \le 2(5x+3)$ *for x.*

14. Solve the absolute value inequality: $|2x-1| \le 7$
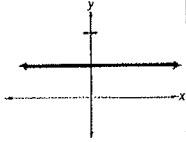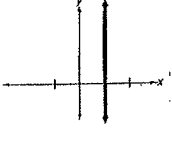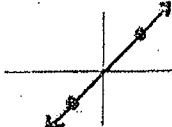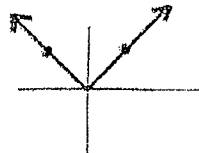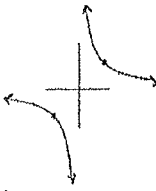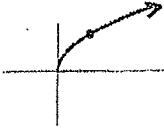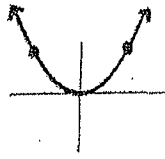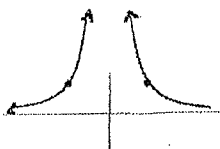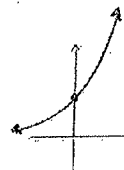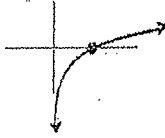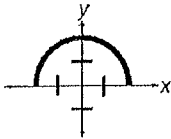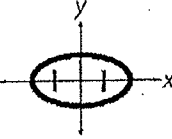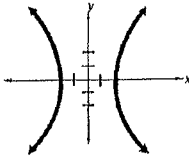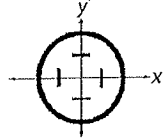
Name _____   Name_____

The **domain** describes the horizontal spread of the graph. $\text{Domain} = \{\, x \mid describe\ x \,\}$

The **range** describes the vertical spread of the graph.

EXHIBIT 6

Identify the domain and range of the 16 graphs below. The set of all x-values such that

Domain			
Range			
Domain			
Range			
Domain			
Range			
Domain			
Range			

1.2 Homework for Transformations

Write the equation of the translated graph and write the name of the graph.
Also, identify the domain and range of the graph.

MCCCD/Martinez 03030

EXHIBIT 7

1.
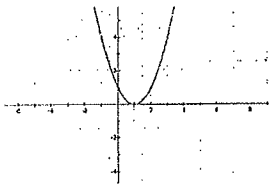
6.
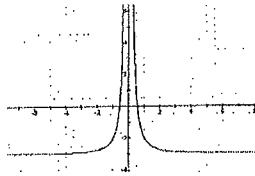
11.
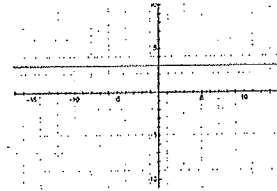
2.
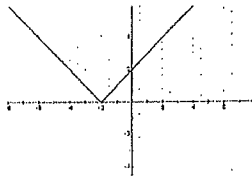
7.
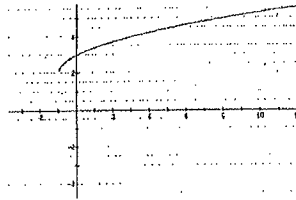
12.
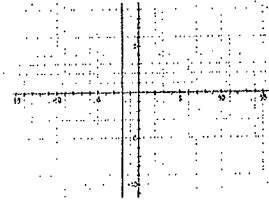
3.
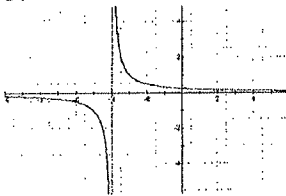
8.
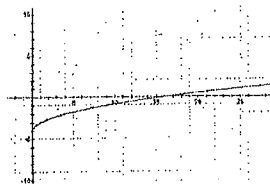
13.
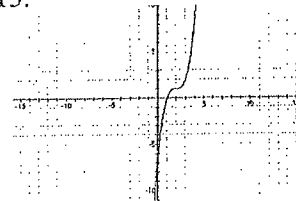
4.
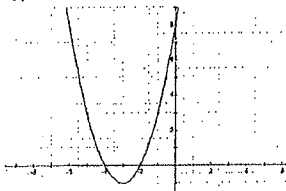
9.
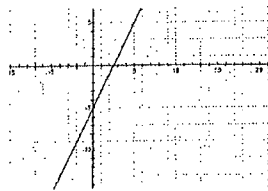
14.
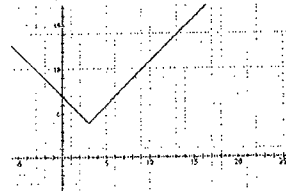
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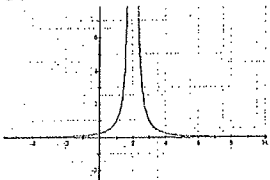
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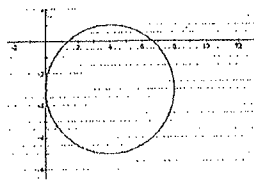
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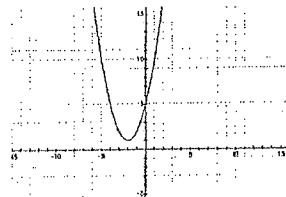
Graph the equation and name the graph. Identify important points (including maximum, minimum) and asymptotes.

1) $y = (x-1)^2$

2) $y = |x+2|$

3) $y = \dfrac{1}{x+4}$

MCCCD/Martinez 03032
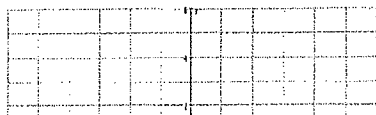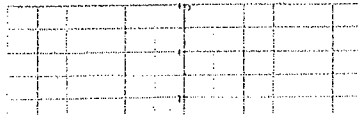
4) $y = (x+3)^2 - 1$
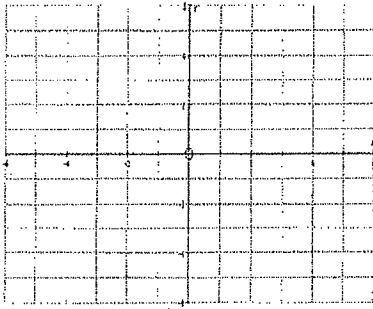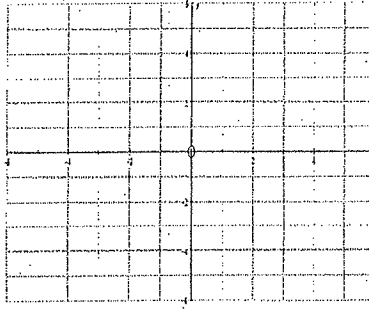
5) $y = \dfrac{1}{(x-2)^2}$

6) $y = \dfrac{1}{x^2} - 3$
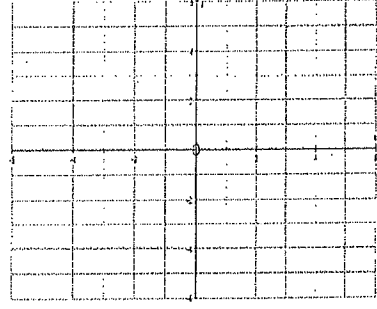
7) $y = \sqrt{x+1} + 2$
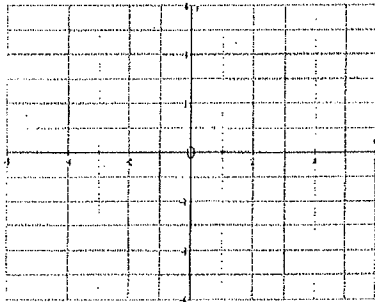
8) $y = \sqrt{x} - 4$
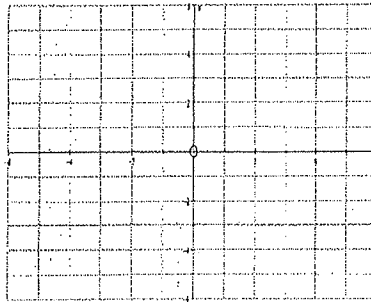
9) $y = 2x - 5$
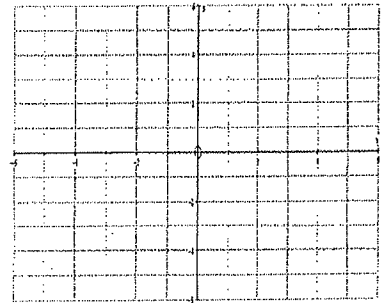
10) $(x-4)^2 + (y+3)^2 = 16$

11) $y = 3$

12) $x = -2$

MCCCD/Martinez 03033
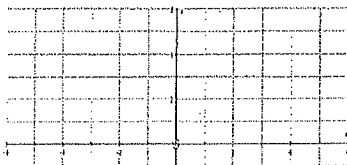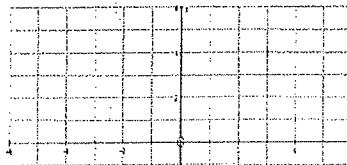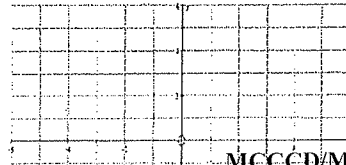
13) $y = (x-2)^3 + 1$
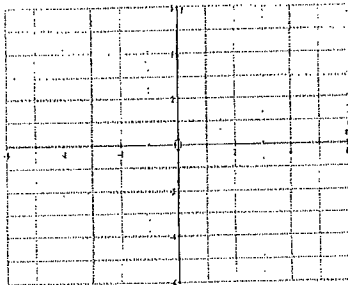
14) $y = |x-3| + 4$
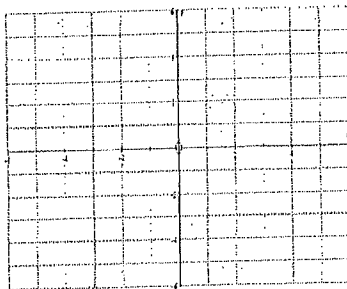
15) $y = (x+2)^2 + 1$
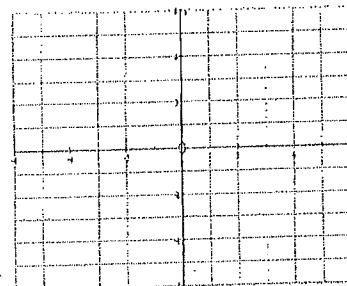
16) $y = x$
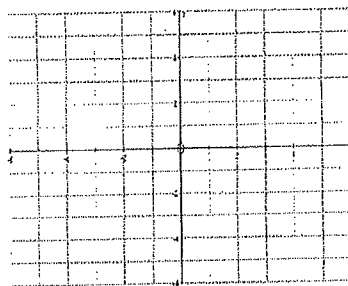
17) $y = 8^x + 4$
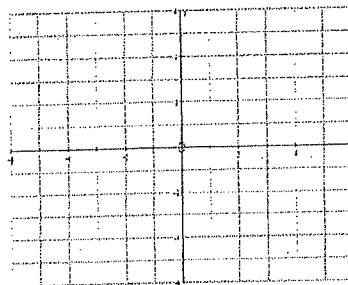
18) $y = 8^{x-4}$
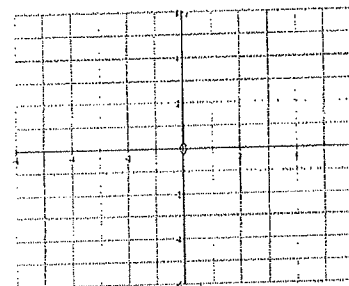
19) $y = \log x + 1$
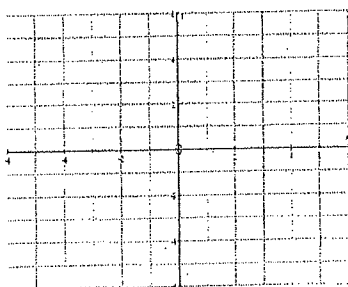
20) $y = \log(x+1)$
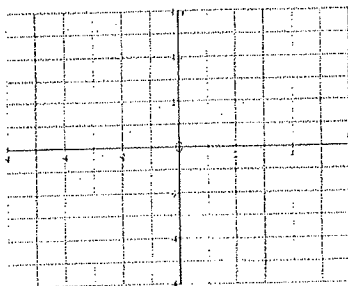
21) $\dfrac{(x+2)^2}{4} - \dfrac{(y-1)^2}{16} = 1$
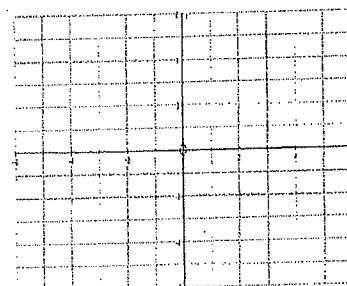
MAT182   Trigonometry   Page 10 of 11   Fall 2010

This page was not copied because Joe says different software was used and thus I may be violating copyright laws.

3.11.32 Inverse Trigonometric Functions $y = \arcsin x, \quad y = \arccos x, \quad y = \arctan x$

Summary of Inverse Trigonometric Graphs   *y is the angle of the trig function*

EXHIBIT 8

$y = \arcsin x, \quad x = [-1,1]$

$y = \text{the angle which is } \left[-\dfrac{\pi}{2}, \dfrac{\pi}{2}\right], \quad \text{in Q1 or 4}$

$y = \arccos x, \quad x = [-1,1]$

$y = \text{the angle which is } [0, \pi], \quad \text{in Q1 or 2}$

$y = \arctan x, \quad x = \text{all real numbers}$

$y = \text{the angle which is } \left(-\dfrac{\pi}{2}, \dfrac{\pi}{2}\right), \quad \text{in Q1 or 4}$
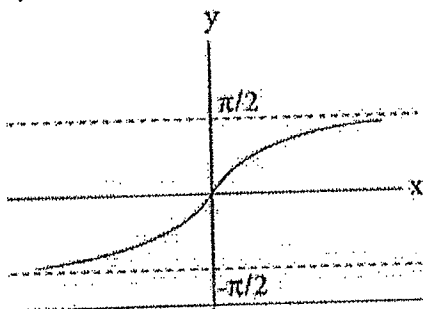
$y = \text{arccot } x, \quad x = \text{all real numbers}$

$y = \text{the angle which is } (0, \pi), \quad \text{in Q1 or 2}$
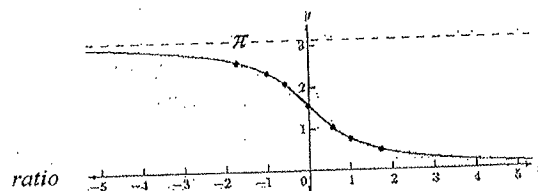
$y = \text{arcsec } x, \quad x \neq (-1,1)$

$y = \text{the angle which is } [0, \pi] \text{ but } y \neq \dfrac{\pi}{2}, \quad \text{in Q1 or 2}$
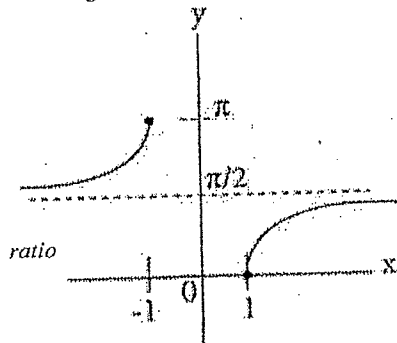
$y = \text{arccsc } x, \quad x \neq (-1,1)$

$y = \text{the angle which is } \left[-\dfrac{\pi}{2}, \dfrac{\pi}{2}\right] \text{ but } y \neq 0, \quad \text{in Q1 or 4}$

EXHIBIT 9

CALCULUS I   Name_____

20 BASIC INTEGRATION FORMULAS

for elementary functions: constant, power, algebraic, logarithmic, exponential, trigonometric, inverse trigonometric, hyperbolic trigonometric functions, and functions resulting from adding, multiplying, dividing, and forming compositions of elementary functions.

1. $\int du = u + C$	2. $\int k\, du = k\, u + C$
3. $\int u^n du = \dfrac{u^{n+1}}{n+1}$, $n \neq -1$	4. $\int u^{-1}\, du = \int \dfrac{1}{u}\, du = \int \dfrac{du}{u} = \ln |u| + C$
5. $\int [f(u) - g(u) + h(u) - j(u)]\, du =$	$\int f(u)\, du - \int g(u)\, du + \int h(u)\, du - \int j(u)\, du$
6. $\int e^u du = e^u + C$	7. $\int b^u\, du = \dfrac{b^u}{\ln b} + C = \left(\dfrac{1}{\ln b}\right) b^u + C$
8. $\int \sin u\, du = -\cos u + C$	9. $\int \cos u\, du = \sin u + C$
10. $\int \tan u\, du = -\ln |\cos u| + C$	11. $\int \cot u\, du = \ln |\sin u| + C$
12. $\int \csc u\, du = -\ln |\csc u + \cot u| + C$	13. $\int \sec u\, du = \ln |\sec u + \tan u| + C$
14. $\int \sec^2 u\, du = \tan u + C$	15. $\int \csc^2 u\, du = -\cot u + C$
16. $\int \sec u\, \tan u\, du = \sec u + C$	17. $\int \csc u\, \cot u\, du = -\csc u + C$
18. $\int \dfrac{du}{\sqrt{a^2 - u^2}} = \arcsin \dfrac{u}{a} + C$	19. $\int \dfrac{du}{a^2 + u^2} = \dfrac{1}{a} \arctan \dfrac{u}{a} + C$
20. $\int \dfrac{du}{u\sqrt{u^2 - a^2}} = \dfrac{1}{a} \operatorname{arcsec} \dfrac{|u|}{a} + C$	

EXHIBIT 10

Intermediate Algebra Outline for Syllabus Spring 2011

Intermediate Algebra Outline

I. Linear Review and Graphing Lines:
    1. Algebraic Expressions: Evaluating and simplify linear expressions
    2. Solving linear equations and eliminating denominators
    3. x and y-intercepts
    4. Slope of Lines
    5. Writing linear equations
    6. Graphing equations on calculator
    7. Graphing tables on calculator

    This is the table of contents for Mr. Bryan's material.

II. Exponents and Polynomials
    1. Exponents: Definition and properties
    2. Polynomials: Adding and subtracting
    3. Multiplying polynomials
    4. Dividing polynomials

Intermediate Algebra Outline

1. Linear Review and Graphing Lines:
    1. Algebraic Expressions: Evaluating & simplify linear expressions P4
    2. Solving linear equations and eliminating denominators P8
    3. x and y-intercepts P13
    4. Slope of Lines P15
    5. Writing linear equations P17
    6. Graphing equations on calculator P19
    7. Graphing tables on calculator P21

    Mr. Bryan approved changes made—ie
    1) replacing Roman with Arabic Numerals,
    2) adding lines before numbers,
    and 3) adding page numbers.

2. Exponents and Polynomials
    1.8   Exponents: Definition and properties P24
    2.9   Polynomials: Adding and subtracting P28
    3.10 Multiplying polynomials P30
    4.11 Dividing polynomials P33

    Mr. Sueyoshi and Dr. Solley did not approve the changes.

EXHIBIT 11

Name_____

Chapter 2 FRACTIONS   Please show all your work for full credit and box your final answer.

1. List the steps for multiplying fractions.

2. 1. List the steps for dividing fractions.

3. Simplify $\frac{8}{15} - \frac{3}{20}$

4. Simplify $12\frac{2}{3} \div 8\frac{4}{9}$

5. Simplify $24 - 3\frac{4}{11}$

EXHIBIT 12

Attachment A sent to Governing Board in 2011

Below are examples of violations to my academic freedom

With Reasons Given for Not Copying Materials for Students
There has not been a finding of copyright violation in any of these requests.

1. The original **circle** and the **cylinder** I used were replaced. I have not been permitted to copy any circle or cylinder.
   The circle I created was drawn with
   a) a single font (since the chair objected to my use of different fonts)
   b) the diameter slanting downward instead of upward
   c) the word "Circumference" placed at the top of the circle
   d) the word "center" in lieu of centre
   e) secant segments added to the circle

2. **Test 1 for 187**: because the sections identified "1.1-1.10" were aligned to my lecture notes and not the textbook. (The students never had my lecture notes as per the administration's directive.) However, Test 2 for 187 was copied without question; those questions were also aligned with my lecture notes.

3. **Inverse Trig Graphs** I created on 4-17-10 were not copied in April and during Fall 2010 "since it contains graphs from multiple sources" (emails: Sueyoshi 9-27-10 and Kakar: 9-21-10)

4. **Basic Graphs**: because they "come from multiple sources" (9-21-10) ie they are made using different software, and because they are in my lecture notes.

5. **Trig Identities** (found in every trig book) were not copied during Spring and Fall 2010 because they were in my lecture notes. This page was finally copied "with reservations" the week before finals, 12-7-10.

6. **8 separate copy requests for Math 082**: because "There [sic] were taken from the MAT082 materials…" (11-12-10)

7. The **MAT182 Outline**: because it refers to a document which may have copy violations (email 4-7-10). Additionally, because "Your document is numbered from 1-50" and your outline lists P53, 57…. "

8. The **MAT187 Outline**: because it has page numbers aligned with lecture notes; "rewrite your outline without the page numbers and then I can approve them" (Sueyoshi email 9-10-10). Even after the page numbers were removed, no copies were made. Another justification given was, "They reflect the sections of the document that is of concern to our legal department at district, your department chair and me." (Kakar email 9-21-10)

9. **A table of Calculus Integration Formulas and a Quiz on Integration Formulas** was copied only after "changing the 'u' to an 'x' … this would be acceptable." (Sueyoshi email 12-7-10) I manually changed all u's into x's and only the Quiz was copied.

10. **MAT187 Final Exam**: because he thinks I am not smart enough to draw basic graphs--"If these graphs were drawn by you and 'by hand', please simply redraw them "by hand" WITHOUT the red dotted points, which are unnecessary for graph identification on your exam. I would then accept the new graphs as original creations."

1. The Circle and the Cylinder

Of the 60+ geometric figures I drew, the first two circles below and this cylinder were identified by the Lewis & Roca firm.
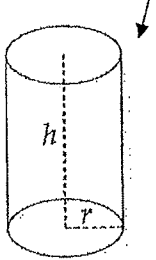
Wikipedia circle

I drew my circles with
1) **"Circumference"** at the top
2) the word **"Center"**
3) **two secant** segments
4) a different angle for **diameter and radius**
5) different fonts and also with italic font

Circumference

Circumference

Circumference

Circumference
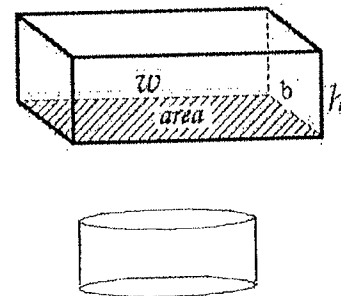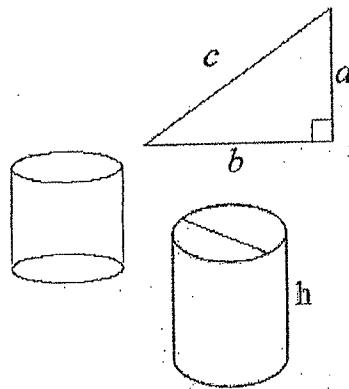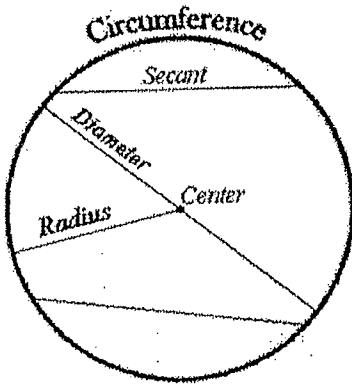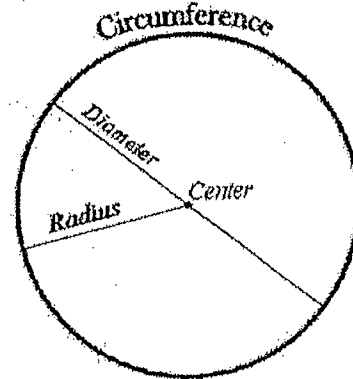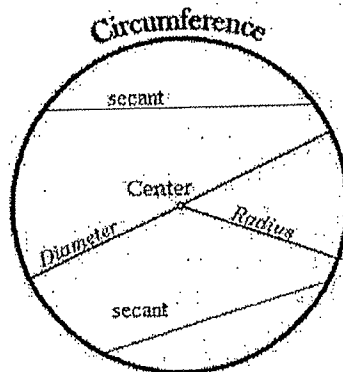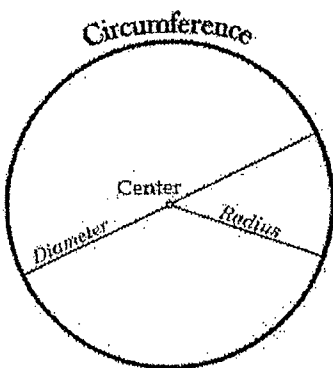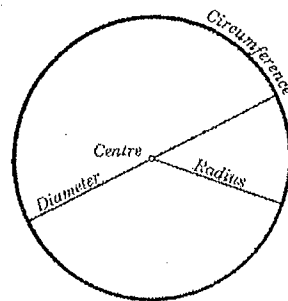
Of the many geometric figures I drew, this cylinder was identified by the Lewis & Roca firm.
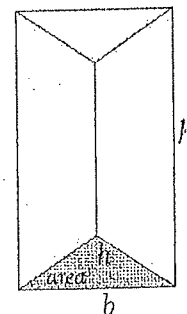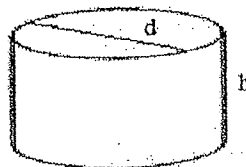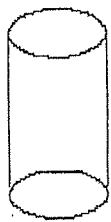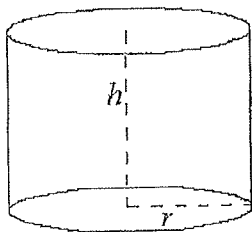
2. Test 1 for 187 (In the interest of saving paper only the first page is presented.)

MAT 187   Fall 2009
Test 1.1-1.10   (Precalculus)

Name_____
Show all your work for full credit

1. Give an example of each of the following functions. What is the general name of these functions?

_____   _____   _____   _____   _____
Linear   Quadratic   Cubic   Polynomial   Rational

2. Give the name and an example of three types of transcendental functions.

a) _____   b) _____   c) _____

a) _____   b) _____   c) _____

3. Find the difference quotient , $\dfrac{f(x+h)-f(x)}{h}$, $h \neq 0$, for $f(x) = 3x - 6$. Simplify the answer.

4. Name the three types of symmetry.

5. Sketch the graph of $f(x)$ and find the values identified below.

$$f(x) = \begin{cases} x^2 & \text{if } x < 0 \\ 2 & \text{if } x = 0 \\ 2x+1 & \text{if } x > 0 \end{cases}$$

Find   (a) f(-2)_____

(b) f(0)_____

(c) f(2)_____

3. Inverse Trig Graphs

MAT 182   Trigonometry   Page 43 of 1   Fall 2010
3.11.32 Inverse Trigonometric Functions $y = \arcsin x$, $y = \arccos x$, $y = \arctan x$

Summary of Inverse Trigonometric Graphs   *y is the angle of the trig function*

$y = \arcsin x$, $x = [-1,1]$

$y = $ *the angle which is* $\left[-\dfrac{\pi}{2}, \dfrac{\pi}{2} \right]$, in Q1 or 4
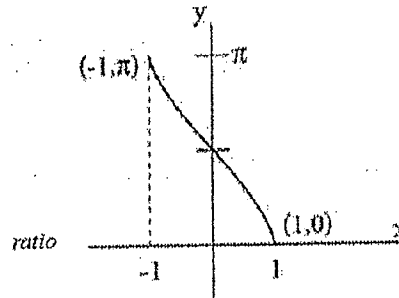
$y = \arccos x$, $x = [-1,1]$

$y = $ *the angle which is* $[0, \pi]$,   in Q1 or 2
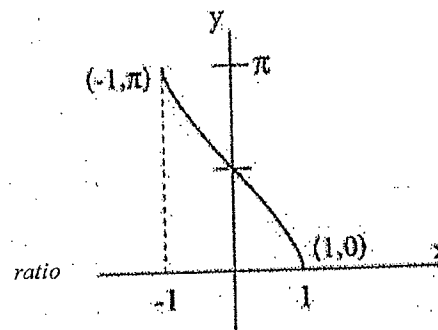

$y = \arctan x$, $x = $ *all real numbers*
$y = $ *the angle which is* $(-\frac{\pi}{2}, \frac{\pi}{2})$,   in Q1 or 4
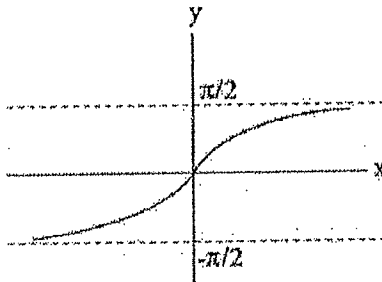
$y = \text{arccot } x$, $x = $ *all real numbers*
$y = $ *the angle which is* $(0, \pi)$,   in Q1 or 2
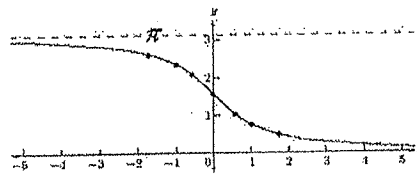
$y = \text{arcsec } x$, $x \neq (-1,1)$

$y = $ *the angle which is* $[0, \pi]$ but $y \neq \frac{\pi}{2}$,   in Q1 or 2
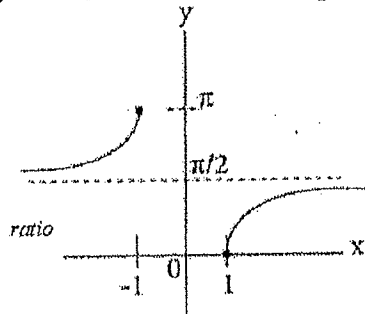
$y = \text{arccsc } x$, $x \neq (-1,1)$

$y = $ *the angle which is* $[-\frac{\pi}{2}, \frac{\pi}{2}]$ but $y \neq 0$,   in Q1 or 4

4. Basic Graphs

1.1 Basic Graphs, Domain, and Range

Identify the equation and the name of the 18 graphs below.

4. $y = mx + b$

is the Linear Function,

and
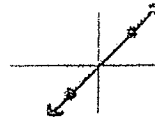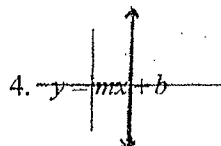
$y = x$ is the

Identity Function

1. Equation _____
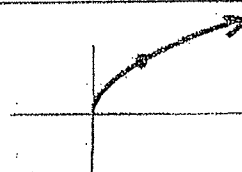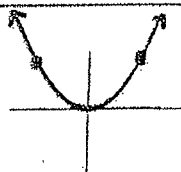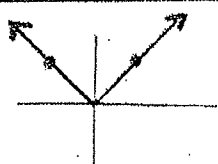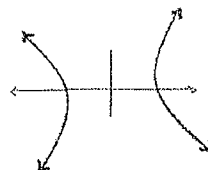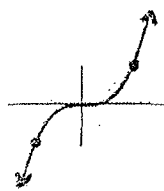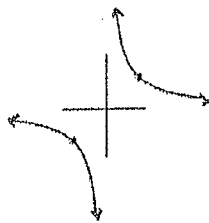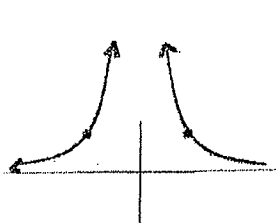
Name _____

2. Eqn _____

Name _____

3. Eqn_____

Name_____

5. Equation _____

Name _____

6. Eqn _____

Name _____

7. Eqn _____

Name _____

8. Eqn _____

Name _____

9. Eqn _____

Name _____

10. Eqn _____

Name _____

11. Eqn _____

Name _____

12. Eqn _____

Name _____

13. Eqn _____

Name _____

14. Eqn _____

Name _____

15&16. Eqn _____

Name _____

17&18. Eqn _____

Name _____

MCCCD/Martinez 03048
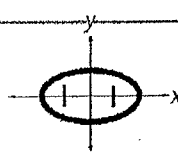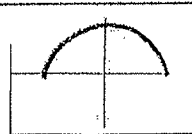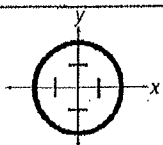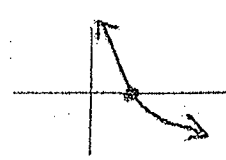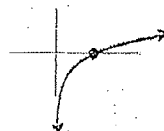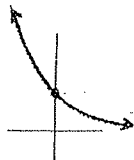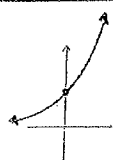
5. Trig Identities My request to have copies made was denied even when the part in the boxes below was handwritten.

3.4 TRIGONOMETRY IDENTITIES

Reciprocal Identities: 1) $\sin x = \dfrac{1}{\csc x}$ 2) $\sec x = \dfrac{1}{\cos x}$ 3) $\tan x = \dfrac{1}{\cot x}$

4) $\csc x = \dfrac{1}{\sin x}$ 5) $\cos x = \dfrac{1}{\sec x}$ 6) $\cot x = \dfrac{1}{\tan x}$

Pythagorean Identities: 7) $\sin^2 x + \cos^2 x = 1$ 8) $1 + \tan^2 x = \sec^2 x$ 9) $1 + \cot^2 x = \csc^2 x$

Tangent and Cotangent Identities: 10) $\tan x = \dfrac{\sin x}{\cos x}$ 11) $\cot x = \dfrac{\cos x}{\sin x}$

Cofunction Identities:

12) $\sin\left(\dfrac{\pi}{2} - \theta\right) = \cos\theta$ 13) $\cos\left(\dfrac{\pi}{2} - \theta\right) = \sin\theta$ 14) $\tan\left(\dfrac{\pi}{2} - \theta\right) = \cot\theta$

15) $\csc\left(\dfrac{\pi}{2} - \theta\right) = \sec\theta$ 16) $\sec\left(\dfrac{\pi}{2} - \theta\right) = \csc\theta$ 17) $\cot\left(\dfrac{\pi}{2} - \theta\right) = \tan\theta$

Negative Angle Identities: 18) $\sin(-\theta) = -\sin\theta$ 19) $\cos(-\theta) = \cos\theta$ 20) $\tan(-\theta) = -\tan\theta$

21) $\csc(-\theta) = -\csc\theta$ 22) $\sec(-\theta) = \sec\theta$ 23) $\cot(-\theta) = -\cot\theta$

Sum and Difference Formulas: 24&25) $\tan(\alpha \pm \beta) = \dfrac{\tan\alpha \pm \tan\beta}{1 \mp \tan\alpha\tan\beta}$

26&27) $\sin(\alpha \pm \beta) = \sin\alpha\cos\beta \pm \cos\alpha\sin\beta$ 28&29) $\cos(\alpha \pm \beta) = \cos\alpha\cos\beta \mp \sin\alpha\sin\beta$

Power-Reducing Formulas: 30) $\sin^2\theta = \dfrac{1 - \cos 2\theta}{2}$ 31) $\cos^2\theta = \dfrac{1 + \cos 2\theta}{2}$ 32) $\tan^2\theta = \dfrac{1 - \cos 2\theta}{1 + \cos 2\theta}$

Double-Angle Formulas: 33) $\sin 2\theta = 2\sin\theta\cos\theta$ 34) $\tan 2\theta = \dfrac{2\tan\theta}{1 - \tan^2\theta}$

35-37) $\cos 2\theta = \cos^2\theta - \sin^2\theta = 2\cos^2\theta - 1 = 1 - 2\sin^2\theta$

38-40) Label the sides and the angles of the three triangles shown.

6. 8 separate copy requests for Math 082 (1st request is presented here)

3.1 Angles Homework   Draw & describe the angle: acute, right, obtuse, straight, reflexive

1. Zero degree angle or 360 degree angle	2. 30 degree angle.	3. 45 degree angle	4. 60 degrees
5. 90 degree angle.	6. 120 degree angle.	7. 135 degrees	8. 150 degrees
9. 180 degree angle.	10. 210 degree angle.	11. 225 degree angle	12. 240 degrees
13. 270 degree angle.	14. 300 degree angle.	15. 315 degree angle	16. 330 degrees

7. The MAT182 Outline

Math 182—Spring 2010
Plane Trigonometry Outline

Due Date	Chapter 3 – Trigonometric Identities	Page
_____	3.1.14 Trigonometric Identities (30) —————————	53
_____	3.2.15 Sum & Differences Formulas (35) ———————	57
_____	3.3.16 Double-angle & Power Reducing Formulas (35) ———	63
_____	3.4. Test on Trigonometric Identities –(no homework)———	67

Chapter 4 – Advanced Trigonometry

_____	4.1.17 Trigonometric Equations (56) ———————————	69
_____	4.2.18 Applications involving Right Triangles (18) ————	73
_____	4.3.19 The Law of Sines (17)———————————————	75
_____	4.4.20 The Law of Cosines (16)——————————————	79

MAT 182 Final Exam   Wednesday, May 12
10:00 - 11:50 am   in   Room B210

8. The MAT187 Outline (Fold on lines to remove page numbers before copying)

Math 187—Fall 2010
Precalculus (Algebra) Outline

9. A table of Calculus Integration Formulas (see below) and
a Quiz on Integration Formulas (next page)

CALCULUS I   Name_____

20 BASIC INTEGRATION FORMULAS

for elementary functions: constant, power, algebraic, logarithmic, exponential, trigonometric,

10. **MAT187 Final Exam** (only page 1 is provided in the interest of saving paper)

MAT 187 Final Exam Fall 2010   Page 1 of 1   Name_____

#1-8 Please write your answer clearly in the space provided. Each question is worth 2 points.
Write the equation and the name of the 8 basic graphs. Label the points in #3-8.

MCCCD/Martinez 03053

EXHIBIT 13

2011-2-7   Tom Adamson's email re: Scholarships from math dept

Subject:	Copy Tom A;' Scholarship email
From:	cleopatria.martinez
Date:	2/7/2011 3:22 PM
To:	jsueyoshi

Joe,   2-7-11
Please make me 40 copies of Tom's scholarship email.
Thanks,
Cleopatria

Subject:	Re: Copy Tom A;' Scholarship email
From:	jsueyoshi
Date:	2/7/2011 4:59 PM
To:	Cleopatria Martinez cc: ckakar, lcombs

I will not approve this copy request--you can demonstrate this in class, if necessary.   Most if not all campus scholarships are available online. Since you have access to their e-mail addresses, another suggestion is to forward Tom's e-mail directly to interested students.

If you care about students you should spend the time to train yourself how to access the scholarships for your students.

joe

EXHIBIT 14

Maricopa Community College District Mail - Re: Fwd: Request copies of my Fall 2011 Schedule   Page 1 of 1

MARICOPA COMMUNITY COLLEGES®

Cleopatria Martinez <clebu57161@phoenixcollege.edu>

Re: Fwd: Request copies of my Fall 2011 Schedule
1 message

cleopatria.martinez <cleopatria.martinez@pcmail.maricopa.edu>   Mon, Aug 22, 2011 at 2:31 PM
To: Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>
Cc: "PC Copycenter (IKON)" <copycenter@pcmail.maricopa.edu>
Bcc: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>, Ernest Escobedo <e.escobedo@gcmail.maricopa.edu>

Joe, 8-22-11
I have uses for the six copies besides the "one door" you refer to. IKON confirmed to me by phone that it charges 12 cents per page for color copies. Thus, I am requesting a total department expenditure of 72 cents for the 6 copies. Having the copies I request is helpful to me as an instructor, so please provide the other 4 copies. I recognize this is an added 48 cent expense.
I find your response to be unprofessional, and it is unnecessary to include IKON when being rude to a professor. If you honestly wish to know if I am aware of what the department's budget is or the department's printing budget or cuts to the printing budget, just ask me instead of rudely assuming that it does not concern me. You know what they say about assuming.
Anna Solley <anna.solley@pcmail.maricopa.edu>
Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>

Joe Sueyoshi wrote:

> I approve this copy job. However, please make only 2 copies. 6 is excessive, costly, and unnecessary for one door.
>
> I wish to confirm that the cost to use color ink is $1/copy to the department (vs. no cost, if the copy is B&W). I believe the instructor is aware of the added cost and that the department's printing budget has been cut, but it appears not to concern her. However, if she is not aware, your confirmation will inform her and perhaps she will change her habits in future printing requests involving colored ink.
>
> Thanks,
>
> joe
>
> -------- Original Message --------
> Subject:Request copies of my Fall 2011 Schedule
>   Date:Sun, 21 Aug 2011 20:37:00 -0700
>   From:cleopatria.martinez@pcmail.maricopa.edu
>   To:joe.sueyoshi@pcmail.maricopa.edu
>
>
>   Joe, 8-21-11
>   Please make 6 color copies of my attached Fall 2011 schedule.
>   Thanks,
>   Cleopatria
>   Cleopatria Martinez, PhD
>   Professor of Mathematics
>   Department of Mathematics
>   Phoenix College--NCCCD
>   1202 W. Thomas Road
>   Phoenix, Arizona 85013
>   Office: 602.285.7390
>   Fax: 602.285.7663

EXHIBIT 15

Maricopa Community College District Mail - Print Request

MARICOPA COMMUNITY COLLEGES®

Cleopatria Martinez <clebu57161@phoenixcollege.edu>

Print Request
1 message

Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>
To: Cleopatria Martinez <cleopatria.martinez@pcmail.maricopa.edu>, Joe Sueyoshi
<joe.sueyoshi@pcmail.maricopa.edu>

Tue, Sep 21, 2010 at 2:17 PM

Dr. Martinez,
Regarding your print request during out meeting earlier today:

a. Regarding your request for MAT082 - Joe has agreed to approve printing of future homework assignments that contain numbers only. Any homework with assignments with images or words will not be approved as per the letter of the August 30, 2010, meeting.

b. The one page document/outline lists section numbers for materials that students do not have, according to you. They reflect the sections of the document that is of concern to our legal department at district, your department chair and me. Since each student has a textbook this should not be an issue.

c. Joe has indicated to me per the letter of the August 30, 2010, meeting he cannot in good conscience approve MAT187, pages 4, 5, 11, 12 & 13. The graph/grid images come from multiple sources.

Best regards,
Casandra

Casandra Kakar: Vice President, Academic Affairs | Phoenix College
1202 W Thomas Road, Phoenix, AZ 85013 • phone | 602-285-7607 • fax | 602-285-7575
email | casandra.kakar@pcmail.maricopa.edu • website | www.phoenixcollege.edu

EXHIBIT 16

2011-09.22 Copy request to Joe: re use of "a" vs "b"

On 9/22/2011 8:23 PM, *cleopatria.martinez@pcmail.maricopa.edu* wrote:

Joe, 9-22-11
Did you approve for copying the notes from my lectures which I left today?
They had the title of the textbook, the author, and the page where the problem can be found.
Cleopatria Martinez, PhD
Professor of Mathematics

Subject: Re: Lecture notes
From: Joe Sueyoshi
Date: 9/22/2011 10:17 PM
To: Cleopatria Martinez   cc: Casandra Kakar

Yes, although the holdup was that the Larson/Hodgkins and the Sullivan precalculus texts actually uses "a" as the base for exponential functions (you use "b"). Since it makes little difference in the definition, I'll approve it here, but it does indicate that you aren't really using the textbooks to create all of your notes, as per the Directive. It may also confuse students when you use different notation from the text. I won't permit more egregious omissions for copying in the future.

All the more reasons to list the pages that the "notes" are coming from.

joe

EXHIBIT 17

Maricopa Community College District Mail - Request Permission to Develop Materials   Page 1 of 1

MARICOPA COMMUNITY COLLEGES   Cleopatria Martinez <clebu57161@phoenixcollege.edu>

Request Permission to Develop Materials
1 message

                                                                                    Wed, Apr 4, 2012 at 12:01
                                                                                                          PM
cleopatria.martinez <cleopatria.martinez@pcmail.maricopa.edu>
To: Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Anna Solley <anna.solley@pcmail.maricopa.edu>
Bcc: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>

I have diagnosed a serious math weakness in my Introductory Algebra classes: the students need a review of fractions *now* since fractions are imbedded in the algebra of the current chapter. Since we are near the end of the semester, I do not have the time to preview arithmetic textbooks for the needed problems **and** to receive written permission from the author(s) or publisher(s) to use selected material. This is a requirement in the directive.

Therefore, I request permission to make worksheets to address the specific fraction weaknesses so my students will be better equipped to do the required algebra. Student success is important and of primary importance to the Maricopa College District.

Respectfully,
Cleopatria

cleopatria_martinez.vcf
1K

Maricopa Community College District Mail - Re: Request Permission to Develop Materials   Page 1 of 1

MARICOPA COMMUNITY COLLEGES   Cleopatria Martinez <clebu57161@phoenixcollege.edu>

Re: Request Permission to Develop Materials
1 message
                                                                    Wed, Apr 11, 2012 at 6:26 PM
Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>
To: cleopatria.martinez@pcmail.maricopa.edu
Cc: james sousa <james.sousa@pcmail.maricopa.edu>, Kelly Loucks <kelly.loucks@pcmail.maricopa.edu>

If you are concerned about consuming class time to review fractions, you can inform the students of this resource (which has been available all semester) for use outside of class:
Chapter 3 and 4 of the webpage below contains video lessons and video examples covering most fraction topics. This is from the MAT082 playlist posted on mathispower4u.com http://dl.dropbox.com/u/28928849/TextPlaylists/MAT082AdoptedTextVideoList.htm

If you wish to have students practice fraction problems online, you have access to the open source MAT082 course in your existing MathAS account. James Sousa can assist you in copying the newest version of MAT082. If you want your students to enroll in the Open Arithmetic, James can forward the instructions for this again.

I have also left a hard B&W copy of the recently approved open source MAT082 text and solution manual in your office. Individual pages are permitted to be copied for students, but not the entire text. Those students wanting to use this resource in its entirety should view the text online (see previous paragraph).

If you just want random skill drill worksheets which are customizable, another faculty member suggested the following link:
http://www.freemathworksheets.net/fraction-equations.php
The website's homepage indicates that an author's permission is not required, but it cannot be used on another website or for publication. Their words:

"Please feel free to generate as many worksheets as you like. Be sure to tell your friends, family and co-workers. These worksheets are great for teachers, homeschooling parents, tutors, and even elders who want to keep sharp! You can be sure that you will not be solicited for personal information anywhere in the process of making your worksheets - they really are that simple, and there are no strings attached."

A search for "free worksheets for operations with fractions" would yield lots of other possible options. Given the current situation, your current options are limited. However, I would suggest that you still peruse other possible websites for future reference.

Hope this helps.

joe

On 4/6/2012 6:41 AM, cleopatria.martinez@pcmail.maricopa.edu wrote:

> Joe,
>   Casandra said, "Several faculty in your department have developed the materials
> you are seeking in various formats." Please provide me with the materials
> developed in the department to use in my class.
> Thank you.
> Cleopatria

EXHIBIT 18

STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

Fredric D. Bellamy
602.257.5204
fbellamy@steptoe.com

Collier Center
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-2382
Tel 602.257.5200
Fax 602.257.5299
steptoe.com

December 16, 2010

Cleopatria Martinez, Ph.D.
7030 North 21st Street
Phoenix, AZ 85010

Re: Review of Copyright Issues Relating to Class Lecture Notes

Dear Dr. Martinez:

You requested that I review your lecture notes with respect to issues of potential copyright infringement. In connection with doing so, I also reviewed your correspondence with the publisher of the textbook that you use these notes with, and specifically considered whether they fall within the scope of your publisher's permission or as fair use under U.S. copyright law, or both. The materials you sent me include your Spring 2010 lecture notes for MAT182 Trigonometry, as well as the pages from the required textbook that contain similar math problems and that discuss the subjects on which you lectured. You also included a copy of correspondence you received from Ronnie Elliott discussing certain issues relating to copyright permission.

In reviewing these materials, I note that my practice as a lawyer has included copyright infringement actions since I began practicing law in Arizona (and in federal court in the Northern District of California). After graduating from Harvard Law School in 1986, I have spent a substantial portion of my legal practice over almost 25 years representing clients in copyright, trademark, unfair competition and other intellectual property matters. I have been recognized in a publication (based on a peer-review methodology) as a "Southwest Superlawyer" in the field of Intellectual Property Litigation, and I have frequently counseled clients on copyright and other intellectual property-related issues. I have also spoken many times at continuing legal education programs for bar and other organizations, including the Phoenix City Attorney's office, on copyright and related legal areas.

Based on the materials I reviewed, it is my conclusion that your lecture notes fall clearly within the scope of the fair use doctrine in copyright law. My conclusion is based on the following factors:

Doc. #609912 v.1

WASHINGTON • NEW YORK • CHICAGO • PHOENIX • LOS ANGELES • CENTURY CITY • LONDON • BRUSSELS • BEIJING

Ms. Cleopatria Martinez
December 16, 2010
Page 2 of 2

STEPTOE & JOHNSON LLP

    1.   The purpose and character of your lecture notes are not for any commercial purpose and are purely for nonprofit educational purposes. Indeed, in my view your lecture notes are the quintessential educational-purpose types of materials that fall squarely within the core of the fair use defense's ambit and reason for existence. It is in the nature of a required textbook to be used as a source material for a professor's lectures.

    2.   The nature of the copyrighted work is that of a textbook on mathematics, which implies and anticipates the type of uses reflected in your lecture notes. It is in the implicit nature of such a textbook containing mathematical problems or exercises that the enrolled students may be asked to develop, practice and demonstrate their knowledge and understanding of the textbook's lessons by performing additional exercises similar in nature to those presented in the textbook. In my review of the problems set forth in your lecture notes, it appears that they are based on similar mathematical principles with changes in the numerical or other pertinent parameters designed to assist students in the learning of the textbook's lessons as used and taught by you as the course instructor and professor.

    3.   The amount and substantiality of the portion of the copyrighted materials used in relation to the textbook as a whole is reasonable in light of the notes' supplementary nature to your lectures based on that book. The lecture notes appear to be intended to serve as a convenient means for your students to pay attention to your lectures and to retain the information, while providing them with additional exercises based on the mathematical principles you are teaching in the trigonometry course. The lecture notes do not appear to supplant the textbook, but rather to supplement it. The use of materials appears to be limited to that purpose and context.

    4.   There does not appear to be any adverse effect on the potential market for the textbook based on the lecture notes, as the students are required to purchase the textbook for the course. The absence of any such effect on the market is consistent with the fact that the publisher has granted you permission to use the materials in the precise manner in which you used them.

Therefore, all of these factors support the conclusion that your lecture notes clearly fall within the fair use doctrine under U.S. copyright law under the circumstances. I am not aware of any factor that militates in favor of a contrary conclusion, and do not see a reasonable basis in this situation for undue concern about potential copyright infringement. Please let me know if you have any questions.

    Sincerely,

    Fredric D. Bellamy

FDB:dh

Doc. #609912 v.1

MCCCD/Martinez 03067

EXHIBIT 19

RYLEY CARLOCK
& A P P L E W H I T E
Attorneys

Fredric D. Bellamy

Shareholder

One North Central Avenue
Suite 1200
Phoenix, AZ 85004-4417

fbellamy@rcalaw.com
P (602) 440-4835
F (602) 257-6935

Following his graduation from Harvard Law School in 1986 and Harvard University in 1983, Fredric Bellamy began practicing law, accruing 25 years of experience in civil litigation and alternative dispute resolution, focusing on complex "bet-the-company" high-stakes cases relating to many of the most difficult issues facing businesses in the West. His experience includes litigation on behalf of major financial institutions and banks, including lender liability, financial, securities fraud and racketeering matters, international mining companies, major retailers and manufacturers, and technology companies. Experience with financial institutions includes:

- Representing one of the country's largest banks in fraud litigation in Tucson involving the financing of nuclear power plants in the West, in a case that involved over $2.2 billion in alleged damages -- a case that settled on favorable terms after the first month of a jury trial.

- Representing local banks in defending against highly charged lender liability suits, resulting in favorable rulings after the filing of summary judgment motions.

- Representing a major savings and loan in financial fraud litigation involving the financing of a master-planned community in Arizona, defending against a large Japanese real estate company -- a case that settled on highly favorable terms after Fredric filed a comprehensive motion for summary judgment following dozens of depositions and extensive document discovery.

Fredric's substantial experience in all phases of complex litigation has frequently led to his representation of clients in cases involving highly technical issues, including issues relating to finance, economics and accounting, as well as a broad range of scientific and engineering issues. Recognizing Fred's breadth and depth of experience in dealing with a variety of difficult technical disputes, Fred has been named in Best Lawyers in America® (2008-2012), in Southwest Superlawyers (2007-2010), and in Chambers USA (2007-2010). Chambers USA (2007) noted that Fredric's "litigation practice has seen him involved in some very sizeable cases. He is widely perceived as a 'substantive lawyer' with a quick grasp of scientific issues and a creative approach." Fredric's experience with highly technical cases includes:

- Representing the country's largest copper mining company in toxic tort and environmental litigation in a complex, multiple-party series of cases that lasted nearly two decades, including two interlocutory appeals and defense against a class action, with a settlement achieved as the case was being prepared for trial.

- Representing a major jet plane manufacturer in environmental litigation focusing mostly on complex issues relating to corporate successorship, achieving a highly favorable settlement after filing a successful motion for summary judgment following years of discovery.

- Representing one of Arizona's largest cities in a complex case involving issues relating to the construction and maintenance of a landfill, resulting in a highly favorable settlement before trial, following the filing of several dispositive motions.

Fredric's experience includes class actions, multi-district (MDL) litigation, and other complex cases, and he has extensive experience with e-discovery and document discovery issues that are critical in complex and especially high-stakes litigation.

OFFICES

Phoenix, AZ

SOLUTIONS

Intellectual Property
Litigation
Lender Liability Defense Group
Water, Energy, Resources and
Environmental Law
Water
Environment
Natural Resources

EDUCATION

Harvard Law School J.D., 1986
Harvard University B.A., 1983,
cum laude

ADMISSIONS

Arizona 1986
US Supreme Court
US Court of Appeals, Ninth
Circuit

In 2007, Fredric received the prestigious Burton Award for Distinguished Legal Achievement at the Library of Congress, an award that recognizes 30 entries (out of 1,000 entries submitted by the nation's leading law firms each year) for excellence in legal writing in plain English. Fredric's writings have included chapters on electronic data security and data breaches in the Intellectual Property Deskbook for Business Lawyers, published by the American Bar Association, as well numerous other publications.
He is recognized by Best Lawyers, *Super Lawyers,* and Chambers USA.

MEMBERSHIPS

- Former Chairman, State Bar of Arizona Intellectual Property Section
- Former Chairman, State Bar of Arizona E-Commerce, Internet & Technology Law Section
- Founding Chairman, Technology Committee, Executive Council, State Bar of Arizona Young Lawyers Division

NEWS

- Monday, August 19, 2013 Best Lawyers Recognizes Ryley Carlock for 2014
- Wednesday, June 19, 2013 Ryley Carlock Attorneys Selected As Leaders by Chambers USA
- Thursday, July 12, 2012 Chambers USA 2012 Details Client Praise for Ryley Carlock Lawyers
- Monday, September 12, 2011 Ryley Carlock & Applewhite Achieves First-Tier Rankings in 2012 Best Lawyers in America
- Monday, June 13, 2011 RCA Lawyers Selected as Leaders By Chambers USA
- Monday, January 24, 2011 Ryley Carlock & Applewhite Adds Shareholder Fredric D. Bellamy from Steptoe & Johnson

EXHIBIT 20

STAPLES

that was easy.

Fabian Garcia
Certified Print Pro
Staples Copy & Print

Staples
106 W. Osborn Rd
Phoenix, Az. 85013

Tel: 602-248-8122
Fax: 602-248-8006
cc0392@staplescopycenter.com

www.staples.com

COPY HOLD TRANSACTION

TRAN NO.: 52857   REGISTER NO.: 005
DATE: 04/05/2013

2 ITEM(S): $294.84

1575 1-100 BW LTR STD
    713893   0.100ea   157.50
25 14MM SPIRALL - BIN
    625909   4.490ea   112.25

1636659 005 052857
0392 04/05/2013 01:48

0 5 5 2 8 5 7

Company Name: 0000
Name: 0000 0000
Phone Number: 000-000-0000
Time Due: 7:00a

EXHIBIT 21

4/11/13   Maricopa Community College District Mail - Fwd: $11 Refund

**MARICOPA
COMMUNITY
COLLEGES®**
                                        Judy Castellanos <judc2821@domail.maricopa.edu>

Fwd: $11 Refund

1 message

Anna Solley <anngh24831@phoenixcollege.edu>   Wed, Apr 3, 2013 at 3:58 PM
To: "judy.castellanos@domail.maricopa.edu" <judy.castellanos@domail.maricopa.edu>
Cc: Casandra Kakar <Casandra.Kakar@phoenixcollege.edu>

Begin forwarded message:

> **From:** Lee Combs <lee.combs@domail.maricopa.edu>
> **Date:** December 13, 2012 11:08:06 AM PST
> **To:** cleopatria.martinez@phoenixcollege.edu
> **Subject: Re: $11 Refund**
> **Reply-To:** lee.combs@domail.maricopa.edu
>
> Dr. Martinez,
>
> The Code of Professional Responsibility prohibits me from giving you advice on this matter,
> because you are in a legal posture adverse to my client. Nor can anything I say supersede
> President Solley's direction to you.
>
>> On Thu, Dec 13, 2012 at 11:51 AM, Cleopatria Martinez <cleopatria.martinez@
>> phoenixcollege.edu> wrote:
>>> I have a question about the $11 refund: I want to know if I can request the booklet be returned to
>>> me in exchange for the $11 refund. Also, please send me a copy of the policy.
>>> Thank you,
>>> Cleopatria
>>>
>>>
>>> On Tue, Dec 11, 2012 at 1:50 PM, Joe Sueyoshi <joe.sueyoshi@phoenixcollege.edu> wrote:
>>>> I have received a complaint from one of your former students concerning the $11 refund. As
>>>> per the corrective action and with consultation with District Legal, the student is to receive the
>>>> $11 reimbursement. The student can provide a receipt, but returning the booklet is not a
>>>> condition of receiving the refund. This type of conflict is one of the reasons why there are
>>>> District cash handling policies.
>>>>
>>>> Failure to comply with students' requested refunds may be interpreted as insubordination. I
>>>> suggest you proceed accordingly.
>>>>
>>>> joe
>>>>
>>>>
>>>> --
>>>> Joe Sueyoshi
>>>> Phoenix College
>>>> Math Department Chair

ttps://mail.google.com/mail/u/0/?ui=2&ik=28e994d1d1&view=pt&as_from=solley&as_to=judy&as_hascc=solley&as_subset=all&...   1/2

4/11/13 Maricopa Community College District Mail - Fwd: $11 Refund

602/285-7885

Lee Combs: General Counsel

2411 West 14th Street, Tempe AZ 85281
phone | 480-731-8878 • fax | 480-731-8890
email | lee.combs@domail.maricopa.edu

EXHIBIT 22

(2) Permission not needed to
replace the textbook exanmles with nzv own examples

Subject: RE: Substitution of my problems
From: Estelle.Simpson@Pearson.com
Date: 8/23/2010 5:13AM
To: cleopatria.martinez@pcmail.maricopa.edu

Cleopatria,
Yeyo   are correct ad may proceed with your request as stated below.
Kind Regards
Estelle

------Original Message------ From:
cleopatria.martinez
[mailto:cleopatria.martinez@pcmail.marjcopa.edu]
Sent: Sa.turday, August 21, 2010 1:43 AM
To: Simpson, Estelle
Subject: Substitution of my problems

Estelle,   8-20-10
On 8-17-10 I swnmarized my understanding of our phone conversation. That
is, t.)-:at I did not need t:'le publisner's permission to use (i:-, Hy lecc.-...:.re
 otes which I may discrib-...:.re to st-...:.de rs for their se in my precalc-...:.l s
class at PC) my own problems which are similar to the selected exa ples
in the adopted textbook by Sullivan. I haven't heard back from you.
Would you kindly confirm whether I need permission to do the above'?
Thank you,
Cleopatria

From: cleopatria.martinez@pcrnail.maricopa.edu
Date: B/17/2010 1:20 PM
To: Estelle.Costa@Pearson.corn

> A5 per our telephone conversation last week, I wish to confirm
Agreement that I could substitute in my lecture notes my own problems which
are similar to the selected examples in the adopted textbook by Sullivan,
PRECALCULUS: CONCEPTS THROUGH FUNCTIONS, A RIGHT TRIANGLE APPR, copyright:
2011 ?earso:r: Ed·c<cat:ion, Inc. Reprinted by perrdssion of ?earsoT: :C:d·,;cac:ion,
Inc. It is wy understanding I do not. need the publisher?s permission in
Regards to using the problems I have created for my lecture notes 1<:-.ich I rr.ay
Distribute to students for their use in my MAT187 Precalculus math class at
Phoenix College.
Thank you,
Cleopatria
>

3) I mar use textbook examples in my lecture notes

Subject: RE: Borrowing Text Examples for Lecture. Notes
From: Estelle Simpson
Date: 10/8/2010 8:05AM   FWD: j Abdo 2:04PM
To: Cleopatria Martinez

Yes for as long as you are adopting the text and it is being purchased by the students
Best

╾╾╾

Estelle Simpson
Permissions Specialist
Pearson Education, Inc.
501 Boylston Street, Suite 900
Boston, MA 02116
lilt estelle.simpson@pearson.com
V   617-671-3445
     617-671-3447

From: cleopatria.martinez [mailto:cleopatria.martinez@pcmail.maricopa.edu]
Sent: Friday, October 08, 2010 11:02 AM   8:01AM
To: Simpson, Estelle
Subject: Borrowing Text Examples for Lecture Notes

Hi Estelle,   10-8-10

I hope all is going well for you.

I am using the Sullivan. PRECALCULUS: CONCEPTS THROUGH FUNCTIONS, A RIGHT
TRIANGLE APPR, © 2011 Pearson Education, Inc. Reprinted by permission of Pearson
Education, Inc. Students are required to purchase this textbook and I use it to teach the
class.

I teach using lecture notes I make summarizing the main points needed to understand a
concept. May I every so often use examples from the text in my lecture notes? Is it ok if I
distribute these lecture notes which may contain examples from the required textbook to
my students?.

Thanking you in advance for a speedy response.

Cleopatria

4) I ma-y use textbook problems in my exams

Subject: RE: Use of textbook questions on tests
From: Estelle.Simpson@Pearson.com
Date: 10/19/2010 1:13PM
To: Cleopatria Martinez

Cleopatria,
As long as the books you mention, Briggs & Sullivan, have actually been adopted for your course/s AND have been purchased by the students, you are free to use the questions form the text's in any many that best suits your teaching needs.
I hope this helps.

Subject: RE: Use of textbook questions on tests
From: Cleopatria Martinez
Date: 10/19/2010 1:06PM
To: Estelle. Siplpson@Pearson.com

Estelle,   10-19-10
I must apologize for the clarification that I needed from you as a publisher. My immediate supervisor and the college administration have questioned this practice of using problems from the Precalculus textbook in tests.
You indicated use of text questions for tests was fine for the Briggs/Cochran text but it was not specifically stated that the same was true for Sullivan's Precalculus text. I am sorry for taking up so much of your time but it is important that I make this specific inquiry.
Thank you for your reply.

Subject: RE: Use of textbook questions on tests
From: Estelle. Simpson@Pearson. com
Date: 10/19/2010 5:22AM
To: Cleopatria Martinez
I thought I'd already done that Cleopatria

Subject: RE: Use of textbook questions on tests
From: Cleopatria Martinez
Date: 10/19/2010 1241 PM
To: Estelle.Simpson@Pearson.com

Hi Estelle,   10-19-10
Would you verify that the same is true regarding my use of questions from the Sullivan text (also adopted and purchased by students) in tests for the class?
Thanks

Subject: RE: Use of textbook questions on tests
From: Estelle.Simpson@Pearson.com
Date: 10/19/2010 5::22 AM
To: Cleopatria Martinez

Cleopatria,
You are fine to use your choice of questions from the Briggs/Cochran text as long as the text has been adopted and purchased by the students,
Best t5. n—

EEOC142

Subject: Use of textbook questions on tests
From: Cleopatria Martinez 10/18/2010
Date: 3:17PM
To: Estelle.Simpson@Pearson.com
Bcc   Cleopatria Martinez

Hi Estelle,   10-18-10
I haven't heard from you regarding my use of textbook questions on my exams. I have also
adopted the Calculus textbook by Briggs/Cochran. I am preparing a Calculus test. Please send me
your response ASAP. I want to be certain that my use of questions from the textbook on tests does
not require perllission, and I do not need to credit the author when I use these questions on
a test since the book is adopted and students are required to purchase it.
Thanks,
Cleopatria

Subject: Use of textbook questions on tests
From: Cleopatria Martinez
Date: 10/13/2010 9:53AM
To: Estelle.Simpson@Pearson.com
Bcc   Cleopatria Martinez

Hi Estelle,   10-13-10
I hope you are having a great day.

I adopted the Sullivan textbook, PRECALCULUS: CONCEPTS THROUGH FUNCTIONS, A
RIGHT TRIANGLE APPR, © 2011 Pearson Education, Inc. Reprinted by permission of
Pearson Education, Inc. Students are required to purchase this textbook

I often use questions out of the textbook When I write up my tests. Do I need permission to do
this, and do I need to credit the allthor when I use a question from the textbook in a test given to
the students?

Thanking you in advance for your response,
Cleopatria

(1 J Permission to copy selected Ho;nework Problems

Your Reference: Permission Request:

Div: OR: Code: 9780131874763

Req No: 38634: Cust No: 15205

Date: APR 13 10   Via Fax: 602-285-

7668

Cleopatria Martinez

Phoenix College

1202 W. Thomas Rd.

Phoenix, AZ 85013

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To make up to 35 copies of selected Homework problems from each section of Chapters 5, 6 and 7, pp. 371-563 for Professor Martinez and students for the course MAT187-PRECALCULUS beginning Fall 2010 at Phoenix College. Permission is granted free of fee on the understanding that the above textbook has been adopted for the course and purchased by the students.

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Language(s):   English   Territory: Phoenix College

EEOC136

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E. Costa

f£.stejfe Costa

Permissions Administrator

Pearson Education, Inc

501 Boylston Street

Boston, MA 02116

Tel: 617-671-3445

Fax: 617-671-3447

Email:

Please visit the following website to access our Disability Request Form if you are requesting an alternwtive format for the print impaired:

(11 New Edition: Permission to copy selected Homework Problems

Your Reference: Permission

Request

Div: OR: ISBN: 9780321645081

Req No: 39028: Cust No: 15205

Date: MAY 13 10   Via Fax: 602-285-

7668

Cleopatria Martinez

Phoenix College

1202 W. Thomas Rd.

Phoenix, AZ 85013

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EEOC138

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Language(s):   English   Territory: Phoenix College

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E. Costa

Please visit the following website to access our Disability Request Form if you are requesting an alternative format for the print impaired:

EXHIBIT 23

2011-09.13 Copy of class lecture to Joe: denied because the pages were numbered

NOTE: At approximately 11:20am Cleopatria Martinez submitted the pages of the lecture from 9-13-11 to be copied for students in her class who had requested a copy.

Subject: Latest Copy Request
From: Joe Sueyoshi
Date: 9/13/2011 3:53 PM
To: Cleopatria Martinez   Cc: Casandra Kakar,   Kelly Loucks (math dept secr),   Lee Combs (MCCCD attorney)

I am denying the latest copy request since I noticed that you are numbering the pages of your "class notes" in each of your classes. Please remove the numbering of the pages to the "notes" (or I will not consider approving them at all) because it appears that you are in the process of creating materials based on your "class notes," including page numbers. A copy for yourself is one matter, but you are requesting copies for groups of students.

Approving notes on a page by page basis does not mean you can make multiple student copies of your "class notes" in future courses. You must continue to require the textbooks since the examples and content are being taken from various textbooks. You would violate the Directive from the President.

I apologize for not catching this earlier,

joe

Subject: Re: Latest Copy Request
From: Casandra Kakar
Date: 9/15/2011 12:52 PM
To: Cleopatria Martinez   Cc: Casandra Kakar, Lee Combs, Anna Solley, Joe Sueyoshi

Dr. Martinez,
After our phone conversation this afternoon, I discussed your concerns with Joe. He would like you to use the section numbers from the book on your class notes rather than numbering the pages.
Thank you,
Casandra

Subject: Re: Latest Copy Request
From: Cleopatria Martinez
Date: 9/16/2011 12:41 PM
To: Casandra Kakar   Cc: Anna Solley, Joe Sueyoshi, Lee Combs

Dr. Kakar, 9-16-11

I provide the students with the pages, chapters, and or sections of the textbook where the lecture information is located. However, this is insufficient and not adequate for organizational purposes since I present the information to students in the order I consider to be most efficient; that is why I do the logical thing, I number the pages as I lecture. Please have the requested copies made for my students.
Best regards,
Cleopatria

Subject: Re: Latest Copy Request
From: Casandra Kakar
Date: 9/16/2011 3:10 PM
To: Cleopatria Martinez   Cc: Anna Solley, Joe Sueyoshi, Lee Combs

Dr. Martinez,
I understand the concerns of your Department Chair and support his decision not to print the class notes with page numbers.
Casandra

Subject: Re: Latest Copy Request
From: Cleopatria Martinez
Date: 9/17/2011 1:44 PM
To: Casandra Kakar   Cc: Anna Solley, Joe Sueyoshi, Lee Combs

Dr. Kakar, 8-17-11
These pages are the actual lectures as I speak and write them during the class. Instead of writing on the board, I write on paper projected onto an overhead screen. To keep these delivered notes in order, I number them. The Department Chair will copy these lectures if there is no numbering of pages to keep them in order. I do not understand the concerns with numbering my pages, please explain as you understand them.
Thank you,
Cleopatria

Subject: Re: Latest Copy Request
From: Casandra Kakar
Date: 9/19/2011 3:16 PM
To: Cleopatria Martinez   Cc: Anna Solley, Joe Sueyoshi, Lee Combs

Dr. Martinez,
Thank you for meeting with me today regarding your lecture notes and the numbering of the pages. Per the directive of the letter from Dr. Solley on December 9, 2010 you will include the title of the textbook and author on each page of your lecture notes that you are seeking approval to copy for your students. In addition you will include the textbook section number and page number you are lecturing about in the notes. If you comply will all of these items and Joe Sueyoshi approves you can number the notes as you prefer and copies will be made.
Best regards,
Casandra

EXHIBIT 24

RE: Latest Copy Request   imap://email2.dist.maricopa.edu:993/fetch%3EUID%3E/INBOX%...

Subject: RE: Latest Copy Request
From: Casandra Kakar <Casandra.Kakar@phoenixcollege.edu>
Date: Fri, 16 Sep 2011 22:10:24 +0000
To: "cleopatria.martinez@pcmail.maricopa.edu" <cleopatria.martinez@pcmail.maricopa.edu>
CC: Anna Solley <anna.solley@pcmail.maricopa.edu>, Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>,
lee Combs <lee.combs@domail.maricopa.edu>

Re: page numbering

Dr. Martinez,
I understand the concerns of your Department Chair and support his decision not to print the class notes with page numbers.
Casandra

-----Original Message-----
From: cleopatria.martinez@pcmail.maricopa.edu [mailto:cleopatria.martinez@pcmail.maricopa.edu]
Sent: Friday, September 16, 2011 12:42 PM
To: Casandra Kakar
Cc: Anna Solley; Joe Sueyoshi; lee Combs <lee.combs@domail.maricopa.edu>
Subject: Re: Latest Copy Request

Dr. Kakar, 9-16-11

I provide the students with the pages, chapters, and or sections of the textbook where the lecture information is located.
However, this is insufficient and not adequate for organizational purposes since I present the information to students in the
order I consider to be most efficient; that is why I do the logical thing?I number the pages as I lecture. Please have the
requested copies made for my students.
Best regards,
Cleopatria

-- Original Message --
From: Casandra Kakar <Casandra.Kakar@phoenixcollege.edu>
To: "cleopatria. martinez" <cleopatria.martinez@pcmail.maricopa.edu>
CC: Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, lee Combs
        <lee.combs@domail.maricopa.edu>, Anna Solley
        <anna.solley@pcmail.maricopa.edu>, Joe Sueyoshi
        <joe.sueyoshi@pcmail.maricopa.edu>
Subject: Re: Latest Copy Request
Date: Thu, 15 Sep 2011 19:52:58 +0000

Dr. Martinez,
After our phone conversation this afternoon, I discussed your concerns
with Joe. He would like you to use the section numbers from the book
on your class notes rather than numbering the pages.
Thank you,
Casandra

Sent from my iPad

On Sep 13, 2011, at 15:54, "Joe Sueyoshi"
<joe.sueyoshi@pcmail.maricopa.edu>
wrote:

I am denying the latest copy request since I noticed that you are
numbering

the pages of your "class notes" in each of your classes. Please remove

1 of 2   10/8/2011 12:01 PM

RE: Latest Copy Request

imap://email2.dist.maricopa.edu:993/fetch%3EUID%3E/INBOX%...

the
numbering of the pages to the "notes" (or I will not consider approving

them
at all) because it appears that you are in the process of creating
materials based on your "class notes," including page numbers. A copy
for yourself is one matter, but you are requesting copies for groups of students.

Approving notes on a page by page basis does not mean you can make
multiple

student copies of your "class notes" in future courses.   You must continue
to require the textbooks since the examples and content are being taken

from
various textbooks. You would violate the Directive from the President.

I apologize for not catching this earlier,

joe

Cleopatria Martinez, PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

10/8/2011 12:01 PM

EXHIBIT 25

Re: Conversation Today

Combs   4-8- 10
McConnell   4-8-10

Subject: Re: Conversation Today
From: Lee Combs <lee.combs@domail.maricopa.edu>
Date: Thu, 08 Apr 2010 16:53:15 -0700
To: Margaret McConnell <margaret.mcconnell@domail.maricopa.edu>
CC: Cleopatria Martinez <cleopatria.martinez@pcmail.maricopa.edu>, Anna Solley
<anna.solley@pcmail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>

All,

I would add these points.

With a staff of three lawyers, we can not be in the business of certifying that course materials created by every faculty member every semester are compliant with copyright law. Moreover, our obligation is to encourage and support legal compliance, not to assist a client to evade the law's intent and hope our frail argument can get the client out of trouble. That obligation is not well served when we are asked to substitute advocacy for advice, as seems to be the case here. Maggie is essentially asked to approve the result of an inherently risky strategy - modifying or "tweaking" a textbook problem by changing the numbers. This "fine tuning" just makes a derivative work, use of which without permission is no less illegal. There is always a degree of uncertainty as to what constitutes fair use, but given the size of the penalty for each violation it is not in the legal interest of Maricopa Community Colleges or any individual faculty member to test the limits of that uncertainty. Our advice is that the risk of incurring penalties involved in pursuing that strategy are essentially the same as copying: they are unacceptably high from the institution's standpoint, and the strategy must not be used.

Courts tend to reject arguments made under the so-called Fair Use Doctrine when the effect of a practice is to undermine the market for a work. In this case, I understand that there is a consistent pattern: students in Dr. Martinez' classes either do not purchase the required text or take it back for a refund after learning about the course materials. The demonstrabe market effect vitiates any other argument that what she is doing is Fair Use. Dr. Martinez' self-evident intention to save students money is honorable, but the means she has used is illegal and exposes her individually to substantial financial penalties, as well as the risk of a plagiarism charge.

Our advice is that the course materials Dr. Martinez distributes to classes must be clearly and demonstrably her own original work, unless she attributes authorship to another, whose permission for such use is documented.

Margaret McConnell wrote:

> Cleopatria -
>
> This is a summary and a follow-up to our conversation today, in which you asked for time on my schedule to review some of your class materials. When I advised you to speak to your librarian about these questions, you responded that the librarian had advised you to speak to me.
>
> It is my understanding that you wanted advice concerning whether, in your words, changing a number from a 3 to a 5 or a plus to a minus from someone's copyrighted math equation, presumably in a text book, would avoid a copyright violation. I explained to you that numbers and

1 of 2

Re: Conversation Today

4-8-10

sequences of numbers are within the definition of "literary works" under the federal copyright law. While I noted that "2 + 2 = 4" is not copyrightable, I advised that more complicated math equations are. I stated that the only way for you to ensure that you do not violate copyright is to make up the math equations completely on your own to illustrate a math theory. As I noted, that would be the only safe approach and, with your advanced degree and your year's of experience that should not be difficult.

You still indicated that you wished for me to review your materials. (You also advised that you could not attend the special presentation that I and Hazel Davis prepared on copyright law for Phoenix College last month because of other commitments.) However, as I reiterated, I'm not going to be in a position to tell you whether the changing of a number or two, or of a mathematical sign, is enough.

In fact, no MCCCD employee is going to be in a position to tell you that "tweaking" is OK, particularly when the owner of the original work isn't given credit for the "tweaked" work. The verdict under the law would almost certainly be that "tweaking" would not solve the problem, and that is the answer that you are going to get from a wide range of folks that you might consult. Changes to an exiting copyrighted work make the work a derivative under the law, and the copyright owner of the original work has rights in that changed work as well as to the original.

It appears from our conversation that you persist in thinking, however, that "tweaking" at a certain point will be OK from a copyright standpoint. That is troublesome, given that the college and, to some degree, this office have been dealing with you on this issue at a minimum for nearly two months. The more that you push to find a bright line between a copyright violation and changing someone's work to make it appear to be original, which does not exist in the law, the more it will be difficult for your department and administration to feel comfortable with giving you copying privileges.

You may avoid all of the questions and potential legal pitfalls by simply crafting all of the illustrative equations in your lecture notes yourself. I have received a copy of the letter that Dr. Solley recently sent you concerning these matters and given the potential for personal liability on them in the future, I would urge you to create your own equations. Based on the observations I make in this note, it will not be useful for us to meet and go over your materials.

Maggie

Margaret E. McConnell
Assistant General Counsel

MARICOPA COMMUNITY COLLEGES'
Office of General Counsel
2411 West 14th Street
Tempe, AZ 85281-6942
Tel: 480.731.8888   **Fax:** 480.731.8890
www.maricopa.edu/legal

5/3/2010 8:54 PM

EXHIBIT 26

Re: [Fwd: Re:]Request for meeting with Dr. Solley

*issues listed for   4-13-10
mtg w/ Solley*

Subject: Re: [Fwd: Re:]Request for meeting with Dr. Solley
From: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
Date: Tue, 13 Apr 2010 11:06:43 -0700
To: Anna Solley <anna.solley@pcmail.maricopa.edu>

4-13-10 Dr. Solley,

As per your request, here is a list of issues that I would like to discuss with
you. Workstudy students
HRMS Password
Sensitive Materials in trash can
3 College computers and related issues
  LimeWire Software
  appearance of unauthorized user
Copyright issues
Academic freedom
Hostile work environment
Employment discrimination

I wish to schedule an appointment with you as soon as possible.
Thank you,

4-1-10 Anna Solley wrote:
> Cleopatria, please send me a list of concerns that you would like to discuss
> with VP Kakar and myself.
>
> Thanks,
>
> Anna

3-31 cleopatria.martinez wrote:
>> Good morning Dr. Solley,
>> I haven't heard from you regarding my request to speak with you regarding
>> some unresolved issues which I have been unable to get resolved with my
>> chair and the VP. Please let me know when we can meet. As I said earlier,
>> I would like to include Dr. Villegas in our meeting but no one else as I
>> believe Dr. Villegas may be able to help me articulate my concerns more
>> clearly.
>> Thank you,
>> Cleopatria

1-25-10
>> Subject:
>> Re:.
>> From:
>> cleopatria.martinez@pcmail.maricopa.edu
>> Date:
>> Thu, 25 Mar 2010 17:26:02 -0700
>> To:
>> "Anna Solley" <anna.solley@pcmail.maricopa.edu>
>>
>> To:
>> "Anna Solley" <anna.solley@pcmail.maricopa.edu>
>>
>>
>> Anna,
>> These concerns have been discussed with both and, unfortunately, things have
>>
>> not been resolved which leaves me with no other recourse but to meet with

1 of 3

Re: [Fwd: e:]Request for meeting with Dr. Solley

you.

3-25-10

-- Original Message --
Date: Thu, 25 Mar 2010 16:57:24 -0700
From: Anna Solley <anna.solley@pcmail.maricopa.edu>
To: cleopatria.martinez@pcmail.maricopa.edu
Subject: Re:

Cleopatria, recommend that you first meet with your department chair and

respective VP to discuss your concerns. Thanks,

Anna

3-23-10

cleopatria.martinez@pcmail.maricopa.edu wrote:

Good afternoon Dr. Solley,
This email is to request a meeting with you to discuss some concerns
that
I have which need resolution. I would like to include Dr. Villegas in

our

meeting but no one else. I believe Dr. Villegas may be able to help
me

present

my thoughts with more clarity.
Thank you,
Cleopatria
Cleopatria Martinez,PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

Cleopatria Martinez,PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

5/3/2010 10:25 PM

EXHIBIT 27

Informal Grievance

Subject: Informal Grievance
From: Casandra Kakar <Casandra.Kakar@phoenixcollege.edu>
Date: Thu, 22 Sep 2011 00:00:02 +0000
To: "'cleopatria.martinez@pcmail.maricopa.edu'" <cleopatria.martinez@pcmail.maricopa.edu>
CC: "Joe Sueyoshi (joe.sueyoshi@pcmail.maricopa.edu)" <joe.sueyoshi@pcmail.maricopa.edu>, Anna Solley <anna.solley@pcmail.maricopa.edu>, "lee.combs@domail.maricopa.edu" <lee.combs@domail.maricopa.edu>

Informal Grievance

Dr. Martinez,
Unfortunately, Joe had not read my email with the permissions from the publisher when he asked for modifications prior to printing the notes for you. We met and reviewed them this afternoon. I also discussed interpretation of the permission from the publishers with district legal. The following are the guidelines that you and I discussed on the phone this afternoon:

1. A credit line similar to the example provided by Cengage Learning (see last paragraph of 9/19/11 letter) must appear on the first page of your daily lecture notes for the courses you are teaching using Larson/Hodgkins, Lehmann, and Sullivan and Sullivan textbooks.

2. You cannot use your own personal work in the lecture notes if you want printed copies for your students. We cannot make copies of your personal work. This is a violation of the directive from the president on December 9, 2010.

3. You do not have to include section numbers or page numbers from the book on the notes, however please provide the page numbers to Joe as a reference guide. He will review prior to approving your print request.

4. You can number the pages of the lecture notes as you have requested.

5. Please follow all other guidelines provided in the approval/permission documents that you have secured from the two publishers.

Thank you for meeting with me earlier today. I consider your informal grievance resolved.
Best regards,
Casandra
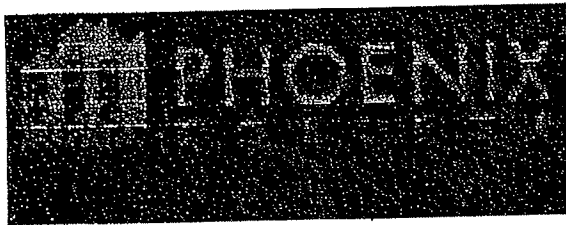
Casandra Kakar, Ed.D.
Vice President of Academic Affairs
Phoenix College
602-285-7607

10/6/2011 2:17 PM

EXHIBIT 28

Maricopa Community College District Mail -- Copy Job   Page 1 of 1

MARICOPA COMMUNITY COLLEGES*   Cleopatria Martinez <clebu57161@phoenixcollege.edu>

Copy Job
1 message

Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>   Mon, Feb 7, 2011 at 12:32 PM
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
Cc: Kelly Loucks <kelly.loucks@pcmail.maricopa.edu>

I mistakenly approved your one-page "Vocabulary" handout as I walked-in today, in which Kelly made copies. The directive from the President clearly states that you cannot author any materials for your classes. Both of us should have known better.

Please return the copies to Kelly. Failure to do so will be reported to the appropriate parties.

Sorry for the inconvenience.

joe

Vocabulary
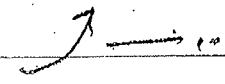
✓ (Integers) are positive and negative whole numbers

..., -3, -2, -1 , 0, 1, 2, 3, 4, ...,

✓ natural numbers are 1, 2, 3, 4, 5, 6, ...

✗ expressions have no equal sign

✓ equations have an equal sign

• graph is a set (group) of points ⌐—··

10 is 2·5
✓ factor means write as multiplication

✓ factors are numbers that are being multiplied

✓ terms are quantities being added (or subtracted)

$3y + 4 - x$

p88 ✓ absolute value means how far the quantity inside is from zero

✓ commutative property says (changing) (positions) keeps the same value

① Grouping ② Exponents
✓ order of operations ③ M+D in order from left to right
④ Add

EXHIBIT 29

TRIG IDENTITIES

Summary of TRIGONOMETRY IDENTITIES

Reciprocal Identities:

1) $\sin x = \dfrac{1}{\csc x}$ 2) $\sec x = \dfrac{1}{\cos x}$ 3) $\tan x = \dfrac{1}{\cot x}$

4) $\csc x = \dfrac{1}{\sin x}$ 5) $\cos x = \dfrac{1}{\sec x}$ 6) $\cot x = \dfrac{1}{\tan x}$

Pythagorean Identities:

7) $\sin^2 x + \cos^2 x = 1$ 8) $1 + \tan^2 x = \sec^2 x$ 9) $1 + \cot^2 x = \csc^2 x$

Tangent and Cotangent Identities:

10) $\tan x = \dfrac{\sin x}{\cos x}$ 11) $\cot x = \dfrac{\cos x}{\sin x}$

Cofunction Identities:

12) $\sin\left(\dfrac{\pi}{2} - \theta\right) = \cos\theta$ 13) $\cos\left(\dfrac{\pi}{2} - \theta\right) = \sin\theta$ 14) $\tan\left(\dfrac{\pi}{2} - \theta\right) = \cot\theta$

15) $\csc\left(\dfrac{\pi}{2} - \theta\right) = \sec\theta$ 16) $\sec\left(\dfrac{\pi}{2} - \theta\right) = \csc\theta$ 17) $\cot\left(\dfrac{\pi}{2} - \theta\right) = \tan\theta$

Negative Angle Identities:

18) $\sin(-\theta) = -\sin\theta$ 19) $\cos(-\theta) = \cos\theta$ 20) $\tan(-\theta) = -\tan\theta$

21) $\csc(-\theta) = -\csc\theta$ 22) $\sec(-\theta) = \sec\theta$ 23) $\cot(-\theta) = -\cot\theta$

Sum and Difference Formulas:

24&25) $\tan(\alpha \pm \beta) = \dfrac{\tan\alpha \pm \tan\beta}{1 \mp \tan\alpha \tan\beta}$

26&27) $\sin(\alpha \pm \beta) = \sin\alpha\cos\beta \pm \cos\alpha\sin\beta$ 28&29) $\cos(\alpha \pm \beta) = \cos\alpha\cos\beta \mp \sin\alpha\sin\beta$

Power-Reducing Formulas:

30) $\sin^2\theta = \dfrac{1 - \cos 2\theta}{2}$ 31) $\cos^2\theta = \dfrac{1 + \cos 2\theta}{2}$ 32) $\tan^2\theta = \dfrac{1 - \cos 2\theta}{1 + \cos 2\theta}$

Double-Angle Formulas:

33) $\sin 2\theta = 2\sin\theta\cos\theta$ 34) $\tan 2\theta = \dfrac{2\tan\theta}{1 - \tan^2\theta}$

35-37) $\cos 2\theta = \cos^2\theta - \sin^2\theta = 2\cos^2\theta - 1 = 1 - 2\sin^2\theta$

38-40) Label the sides and the angles of the th___

EXHIBIT 30

Geometry Summary

__Perimeter__ is the length around the edge of a figure.
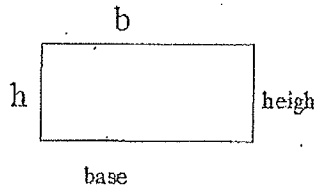
$P = 2b + 2h$ units
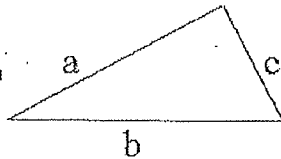
$P = a + b + c$ units
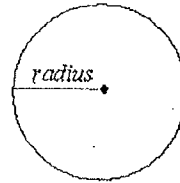
$C = \pi d$ units
Circumference = pi times diameter
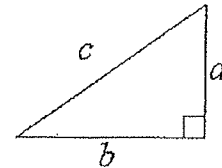
$a^2 + b^2 = c^2$
Pythagorean Theorem

__Area__ is the number of squares in the interior of a flat figure.
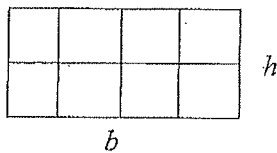
$A = bh$ square units
Area = base times *height*
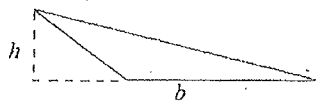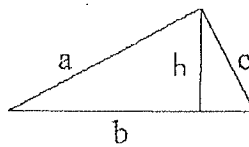
$A = \frac{1}{2}bh$ square units
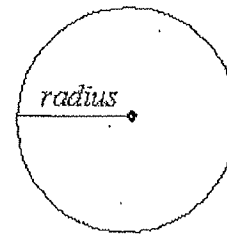
$A = \pi r^2$ square units

__Volume__ is the number of cubes inside a 3-dimensional figure.

Volume equals the area of the base times the height of the figure.

$V = A \cdot h$
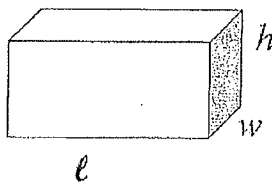
$V = \ell wh$ cubic units
Volume = length times width times height
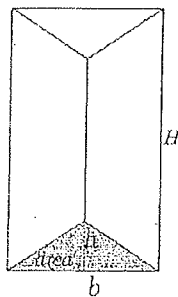
$V = \frac{1}{2}bhH$ cubic units
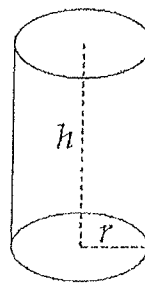
$V = \pi r^2 h$ cubic units
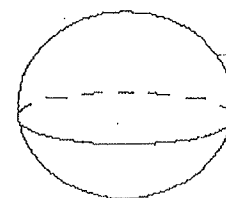
$V = \frac{4}{3}\pi r^3$ cubic units

EXHIBIT 31

Feb. 7, 2011

Dr. Cleopatria Martinez has my Permission to use my handouts.

Elena Sung

Section 2.2 - Operations with fractions

① $\dfrac{3}{5}$

② $\dfrac{a}{1} = \quad , \quad \dfrac{a}{a} = \quad , \quad \dfrac{0}{4} = \quad , \quad \dfrac{4}{0}$

③ 3 types of fractions
   { Proper, Improper, mixed numbers

④ Reduce fractions to its lowest terms
   $\dfrac{18}{24}$, $\dfrac{36}{48}$, $\dfrac{75}{225}$, $\dfrac{120}{480}$

⑤ Build fractions
   $\dfrac{2}{3} = \dfrac{\quad}{18}$, $\dfrac{3}{7} = \dfrac{\quad}{35}$, $\dfrac{4}{5} = \dfrac{\quad}{40}$

⑥ Round decimals

⑦ (A) $\left(\dfrac{10}{9}\right)\left(\dfrac{3}{5}\right)$ (B) $\dfrac{7}{12} \div \dfrac{5}{6}$

(C) $\dfrac{\frac{11}{12}}{\frac{5}{24}}$

(D) $\left(3\frac{5}{6}\right) \div \left(2\frac{2}{3}\right)$

(E) $\dfrac{4}{22} + \dfrac{8}{22}$

(F) $\dfrac{2}{3} - \dfrac{1}{4}$

(G) $1\frac{2}{3} + 2\frac{5}{6}$

(H) $3\frac{1}{2} - 1\frac{3}{4}$

(I) $5 - 3\frac{1}{4}$

42

Fall 2010   MAT187 Final Exam was not copied

Subject: Co MAT187   Note: This is a 4-page final exam.
From: cleopatria.martinez
Date: 12/14/2010 10:25 AM   Attached: Final Exam MAT187
To: joe Sueyoshi   (shown below)

Joe, 12-14-10
Please make 23 copies of the attached 4-page MAT187 Final Exam in **tan** for tomorrow.
Thank you,   Cleopatria

MAT 187 Final Exam Fall 2010   Page 1 of 1   Name_____

#1-8 Please write your answer clearly in the space provided. Each question is worth 2 points.
Write the equation and the name of the 8 basic graphs. Label the points in #3-8.

quation:

ame:

quation:

ame:

---

9) Find the difference quotient, $\dfrac{f(x+h)-f(x)}{h}$, $h \neq 0$, of $f(x) = -3x^2 - 4x$ & simplify.

MAT 187 Final Exam Fall 2010   Page 3 of 4   Name_____

11) For what value of x is f undefined in $f(x) = \dfrac{x-4}{x-2}$?

13) What point does $f(2) = 5$ describe?

14) Find the hole(s), vertical asymptote(s), and horizontal asymptote(s).
$f(x) = \dfrac{3x+6}{x^2 - 3x - 10}$

15) Solve the equation $2^x = 9$

16) Solve the equation $\ln(2x-7) = 3$

MAT 187 Final Exam Fall 2010   Page 4 of 4   Name_____

17) Solve the triangle: a=3, b=2, A=40°

18) Solve the triangle: a=4, b=3, c=6

MAT 187 Final Exam Fall 2010   Page 2 of 4   Name_____

10) Solve $2\sin^2 x \cos x - \cos x = 0$, $x = [0, 2\pi)$

EXHIBIT 32

①
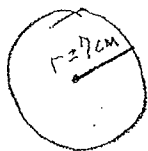
Find d, C, A, use $\frac{22}{7}$ for π

$d = 2r$

$d = 2(7)$

$\boxed{d = 14 \text{ cm}}$

$\begin{array}{c} 22 \\ 7 \\ \hline 154 \end{array}$

$C = \pi d \text{ cm}$

$C = \frac{22}{7} \cdot \frac{14}{1}$

$C = \frac{2 \cdot 11}{7} \cdot \frac{2 \cdot 7}{1}$

$C = \frac{44}{1}$

$\boxed{C = 44 \text{ cm}}$

April 15

10.3

Problems 1–8 and

19–27 odd

$A = \pi r^2$ square cm

$A = \frac{22}{7}\left(\frac{7}{1}\right)^2$

$A = \frac{22}{7} \cdot \frac{7 \cdot 7}{1 \cdot 1}$

$A = \frac{154}{1}$

$\boxed{A = 154 \text{ square cm}}$

⑤

$d = 32'$
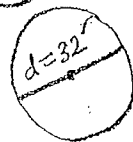
Find r, C, A, $\pi \approx 3.14$

$r = \frac{d}{2}$

$r = \frac{32}{2}$

$\boxed{r = 16'}$

③

$r = \frac{3}{4}''$

Find d, C, A, $\pi \approx \frac{22}{7}$

$d = 2r$

$d = \frac{2}{1} \cdot \frac{3}{4}$

$d = \frac{2}{1} \cdot \frac{3}{2 \cdot 2}$

$\boxed{d = \frac{3}{2}''}$ or $\boxed{d = 1\frac{1}{2}''}$

40b

⑲

8'

8'

$d = 8'$
$r = 4'$

$\frac{1}{3.14}$
$\times 8$
25.12

$C = \pi d$
$C = (3.14)(8)$
$C = 25.12'$
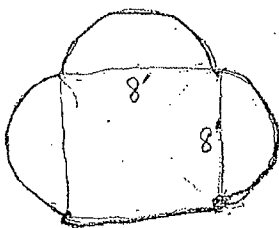
$\frac{3}{2} = 1\frac{1}{2} = 1.5$

Find P , $\pi \approx 3.14$

$P = \frac{1}{2}C + \frac{1}{2}C + \frac{1}{2}C + 8$ feet

$P = \frac{3}{2}C + 8$

$P = 1.5(25.12) + 8$

$\boxed{P = 37.68 \text{ feet}}$

25.12
$\times 1.5$
12560
2512
37.680

40

EXHIBIT 33

Precalculus: Enhanced with Graphing Utilities, 5e
Sullivan & Sullivan   M187

College Alg with Appl. for Business + the Life Sciences
Larson / Hodgkins   M 151

Elementary + Interm. Algebra: Func + Authentic Appl.
Jay Lehmann   M091

EXHIBIT 34

April Roll

From:	Cleopatria Martinez Trujillo [4cleopatria@gmail.com]
Sent:	Friday, November 01, 2013 1:30 PM
To:	April Roll
Subject:	Fwd: FW: RE: Fwd: Request copies of my Fall 2011 Schedule
Attachments:	2011-08.30 me to Casandra.docx

---------- Forwarded message ----------
From: <cleopatria.martinez@pcmail.maricopa.edu>
Date: Thu, Sep 1, 2011 at 1:46 PM
Subject: FW: RE: Fwd: Request copies of my Fall 2011 Schedule
To: Amalia Valle Villegas <amalia.valle.villegas@pcmail.maricopa.edu>

FYI I am forwarding VPAA Kakar's response to my original memo to her dated
8/30/11 (attached)
Please call me.
Cleopatria Martinez,PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

---------- Forwarded message ----------
From: Casandra Kakar <Casandra.Kakar@phoenixcollege.edu>
To: "cleopatria.martinez@pcmail.maricopa.edu" <cleopatria.martinez@pcmail.maricopa.edu>
Cc:
Date: Thu, 1 Sep 2011 15:56:23 +0000
Subject: RE: Fwd: Request copies of my Fall 2011 Schedule
Dr. Martinez,
The December 9, 2010 directive that is in place will not be changed for the fall semester. The following
requests cannot be approved in your specific terms but can be facilitated using the guidelines of the directive:

1) my lecture notes be copied daily for my students.
Response - The lecture notes that you are creating during the class can be copied but there is a minimum of a
two work day notice in the December 9, 2010 directive from the president. You may want to consider creating
a PDF of the lecture notes you create during class and post them on your website or email them to the students
that would like a copy. Using Black Board as a resource tool is another option for posting the notes.

2) I receive these copies within one day so I too can use them for future class planning.
Response - This cannot be approved because the directive is clear regarding a minimum of a two work day
notice.

11/1/2013

3) copies of my schedule be made available without question and that Joe?s comments be made privately and he certainly should NOT involve the IKON copy center of the dept. secretary.
Response - I have discussed with Joe and he understands your concerns regarding the involvement of IKON and the department secretary on email communications. In the future he will only copy IKON or the department secretary when appropriate. Joe thought the color copies were $1.00 per copy. If he had the correct amount of 14 cents per copy he would have made the six copies. Since I made you color copies from my office printer, this request is resolved.

4) my class, MAT151 (12374), be moved to building A or B.
Response - Joe has been working on this request all week. He implemented a solution yesterday. You will be in room B230. I suggest you work with Joe or Kelly for proper coordination and communication of the room change to your students.

5) I be allowed to write a test questions which I find appropriate to student learning & instruction.
Response - This request cannot be approved because it violates the December 9, 201 directive from the president.

6) permission be given to prepare and use lecture notes to deliver my class lectures.
Response - You are free to create and use your personal lecture notes and outlines of your lesson plans. However, per the December 9, 2010 directive you cannot distribute copies of lecture notes or outlines to your students without permission from your department chair.

If you are interested in proposing a plan that would mitigate the need for this degree of supervision, the administration is open to review and discussion.
Such a plan should contain concrete steps in which you demonstrate an accurate working understanding of copyright law and the professional standards that apply when you borrow from the works of others, together with a commitment to those standards. It should also provide for a period of monitoring in which you will, though consistent compliance, build confidence that you will respect other authors and their work, and not place the College or the District at risk.

Best regards,
Casandra

-----Original Message-----
From: cleopatriamartinez@pcmail.maricopa.edu [mailto:cleopatria.martinez@pcmail.maricopa.edu]
Sent: Tuesday, August 30, 2011 10:27 PM
To: casandra.kakar@pcmail.maricopa.edu
Subject: FW: Fwd: Request copies of my Fall 2011 Schedule

Hi Casandra, 8-30-11
Thank you for meeting with me at 11:30am today to discuss issues such as the harassment to which I have been subjected during this first week of the fall semester.
1) Math Dept. Chair, Joe Sueyoshi refuses to make copies for my students of the notes I create during my daily lectures. The students want a copy, and I want them to have a copy. These copies create no copyright issue for me or the college or the District.
2) I need a copy of the notes each day so I can plan the next lecture, and the students should have a copy available within one day?we have workstudy students who can make these copies or these documents could be sent to IKON and returned the following day. Since they are my lecture notes created daily during the class, there is no copyright issue and do not require extensive scrutiny. A two-day turnaround time does not work logistically for student studying and testing reasons, and I need access to my lecture notes to plan the next class lecture.
3) I requested 6 color copies (costing 72 cents) of my fall schedule since I teach four different classes and color coding the classes helps with classroom
organization. Joe approved 2 copies and made disparaging remarks about

11/1/2013

my use of "colored ink" to IKON copy center and to the Math Dept. secretary.
 I should receive the number of copies I request, and his remarks should not be sent to the secretary and the copy center. This type of unprofessional behavior must stop.
4) Joe initially gave me a class at the Osborn site but I was able to find
MAT151(12374) which meets in E217, closer to buildings A and B where I normally teach my classes. I have a cart which contains all the materials I need for teaching, and it is a hardship to get the cart to and from E217. I request my class be moved to building A or B.
5) The directive requires that I use questions I find in the textbook, the internet, materials approved by the department, and only after securing permission to use them. I have information which I want to test students on but I cannot find the question in these sources. I need to be able to ask my students questions which I deem important to their learning of mathematics. Otherwise, students are not getting the full benefit of my experience and education.
 I request the directive be adjusted so that I can write test questions which I find appropriate to student learning and instruction.
6) I need to be able to walk into class with an outline of my lecture content.
 Currently, the administration does not allow this which means I must memorize my lectures before going into class. This has proven very difficult and unnecessary since there is no copyright danger in using notes to guide my instructional lecture. I request permission to prepare lecture notes which I can use to deliver my class lectures.

I request that
1) my lecture notes be copied daily for my students.
2) I receive these copies within one day so I too can use them for future class planning.
3) copies of my schedule be made available without question and that Joe?s comments be made privately and he certainly should NOT involve the IKON copy center or the dept. secretary.
4) my class, MAT151(12374), be moved to building A or B.
5) I be allowed to write test questions which I find appropriate to student learning & instruction.
6) permission be given to prepare and use lecture notes to deliver my class lectures.

Cleopatria Martinez,PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

11/1/2013

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2) I need a copy of the notes each day so I can plan the next lecture, and the students should have a copy available within one day—we have workstudy students who can make these copies or these documents could be sent to IKON and returned the following day. Since they are my lecture notes created daily during the class, there is no copyright issue and do not require extensive scrutiny. A two-day turnaround time does not work logistically for student studying and testing reasons, and I need access to my lecture notes to plan the next class lecture.

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I request that
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2) I receive these copies within one day so I too can use them for future class planning.
3) copies of my schedule be made available without question and that Joe's comments be made privately and he certainly should NOT involve the IKON copy center or the dept. secretary.
4) my class, MAT151(12374), be moved to building A or B.
5) I be allowed to write test questions which I find appropriate to student learning & instruction.

6) permission be given to prepare and use lecture notes to deliver my class lectures.

EXHIBIT 35

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 1:45 PM
To: April Roll
Subject: Fwd: Electronic Copy of Dec 9, 2010, letter

---------- Forwarded message ----------
From: <cleopatria.martinez@pcmail.maricopa.edu>
Date: Fri, Jan 7, 2011 at 4:16 PM
Subject: Re: Electronic Copy of Dec 9, 2010, letter
To: anna.solley@pcmail.maricopa.edu
Cc: renee.perry@pcmail.maricopa.edu

January 7, 2011

Dear President Solley,

Mr. Eddie Genna said you wanted me to direct my questions and concerns to
you regarding your letter of December 9, 2010. There are areas of clarification
I need.

Please clarify what you mean by ?course materials? when you say I must ?use
only course materials approved by the department, that are available in the
bookstore for sale to the students and that are authored by persons other
than yourself.?
Can I write my own tests?
What about my use of universal math formulas for graphs, trigonometry, and
calculus which I selected and prepared for my students to memorize but I
have not found such documents in other materials?
Can I use materials authored by my colleagues in the math department?

Specifically what are you referring to when you say ?I have also considered
our experiences under the current temporary arrangement???
I am not aware of any ?printing or copying? of ?unauthorized materials? or
failure ?to follow the law as well as Maricopa policies and procedures??
during summer and fall 2010.
I want to rectify whatever misunderstanding has occurred but I need to know
details.

I thank you for your response to these questions.

Cleopatria

>-- Original Message --
>Date: Fri, 10 Dec 2010 16:43:12 -0700
>From: Renee Perry <renee.perry@pcmail.maricopa.edu>
>To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
>CC: Anna Solley <anna.solley@pcmail.maricopa.edu>
>Subject: Re: Electronic Copy of Dec 9, 2010, letter

11/1/2013

>
>
>Per your request.
>
>rp
>
>On 12/9/2010 11:35 AM, cleopatria.martinez wrote:
>> Good morning Dr. Solley,   12-9-10
>> Please provide me with an electronic copy of the letter that was
>> handdelivered to me today.
>> Thank you,
>> Cleopatria
>>
>
>Attachment: c.martinez.12_9_10docx-1.pdf
>
>
>Attachment: renee_perry.vcf
>

Cleopatria Martinez,PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

--
Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390

        Cada cabeza es un mundo.

EXHIBIT 36

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 1:45 PM
To: April Roll
Subject: Fwd: FW: Acknowledgement of Receipt

---------- Forwarded message ----------
From: **David Munoz** <dmunoz7@cox.net>
Date: Tue, Jan 11, 2011 at 11:19 AM
Subject: FW: Acknowledgement of Receipt
To: cleopatria.martinez@pcmail.maricopa.edu
Cc: j v <julianini@hotmail.com>

-----Original Message-----
From: Copyright Office [mailto:cop-rc@locgov]
Sent: Tuesday, January 11, 2011 11:09 AM
To: dmunoz7@cox.net
Subject: Acknowledgement of Receipt

THIS IS AN AUTOMATED EMAIL - DO NOT REPLY.

Thank you for submitting your registration claim using the electronic Copyright Office (eCO) System. This email confirms that your application and fee for the work Math is a foreign language for many people was received on 01/12/2011. The following applies to registration claims only (not preregistrations):

The effective date of registration is established when the application, fee AND the material being registered have been received. If you have not yet sent the material to be registered, logon to eCO and click the blue case number associated with your claim in the Open Cases table, then do one of the following:

For digital uploads: Click the Upload Deposit button at the top of the Case Summary screen, then browse and select the file(s) you wish to upload. Note: only certain classes of works may be registered with digital deposits (See FAQs: http://www.copyright.gov/eco/faq.html#eCO_1.4).

For hardcopy submissions: Click the Create Shipping Slip button at the top of the Case Summary screen, then click the Shipping Slip link that appears in the Send By Mail table. Print out and attach the shipping slip to the copy(ies) of your work. For multiple works, be sure to attach shipping slips to the corresponding copies.

A printable copy of the application will be available within 24 hours of its receipt. To access the application, click the My Applications link in the left top most navigation menu of the Home screen.

You will be issued a paper certificate by mail after the registration has been completed. You may check the status of this claim via eCO using this number [1-543779971].

[THREAD ID: 1-91KZ9L]

United States Copyright Office

11/1/2013

Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390

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11/1/2013

EXHIBIT 37

Page 1 of 1

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 1:45 PM
To: April Roll
Subject: Fwd: Pay.Gov Payment Confirmation

---------- Forwarded message ----------
From: <paygovadmin@mail.doc.twai.gov>
Date: Tue, Jan 11, 2011 at 11:09 AM
Subject: Pay.Gov Payment Confirmation
To: "cleopatria.martinez@pcmail.maricopa.edu" <cleopatria.martinez@pcmail.maricopa.edu>

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

Your transaction has been successfully completed.

Transaction Summary

Application Name: Copyright Fee Services
Pay.gov Tracking ID: 252A1B55
Agency Tracking ID: 1-91KXID

Name On Account: David Munoz
Transaction Type: ACH Debit
Transaction Amount: $35.00
Payment Date: Jan 12, 2011
Account Type: Personal Checking
Routing Number: 122105278
Account Number: ***********3192
Check Number: 142

Transaction Date: Jan 11, 2011 1:09:18 PM
Number of Payments Scheduled: 1
Frequency: OneTime

Cleopatria Martinez, PhD, Department of Mathematics, Phoenix, College 80213, (602) 285-7390

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11/1/2013

EXHIBIT 38

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]

Sent: Friday, November 01, 2013 1:50 PM

To: April Roll

Subject: Fwd: previous request for information re: Cleopatria Martinez

---------- Forwarded message ----------
From: **Melissa Sailors** <msailors@napierlawfirm.com>
Date: Tue, Jan 11, 2011 at 2:21 PM
Subject: previous request for information re: Cleopatria Martinez
To: Lee Combs <lee.combs@domail.maricopa.edu>
Cc: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>, James Abdo
<jabdo@napierlawfirm.com>

Hi Mr. Combs,

Jim asked me to follow up with you regarding his request to you by letter dated November 23, 2010
as to the identification of witnesses who stated they saw Dr. Martinez making copies. Please provide
us with the identification of those witnesses.

Also, in the same letter, Jim requested confirmation that Dr. Martinez is allowed to retain a copy of
her lecture notes to refer to in class while she is teaching. Please confirm that is correct.

Thank you so much for your assistance.

Regards,

Melissa Sailors

Paralegal to Mr. Abdo

NAPIER, ABDO, COURY & BAILLIE, P.C.

2525 East Arizona Biltmore Circle

Suite 135

11/1/2013

Phoenix, Arizona 85016

(602) 248-9107

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by email if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

--
Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390

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11/1/2013

EXHIBIT 39

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 1:50 PM
To: April Roll
Subject: Fwd: Electronic Copy of Dec 9, 2010, letter

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Fri, Jan 14, 2011 at 4:49 PM
Subject: Re: Electronic Copy of Dec 9, 2010, letter
To: cleopatria.martinez@pcmail.maricopa.edu
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Joe
Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>

Dr. Martinez, concerning course materials, please note as per my letter to you dated December 9, 2010, you are
directed to use only course materials that are approved by the department, that are available in the bookstore for sale to
the students and that are authored by persons other than yourself. You are not allowed to alter or change these
materials in any manner.

Concerning tests for your courses, please ask Tim Bryan for his approval to use his tests for MAT 120. In regards to
the other math courses that you are teaching and for which there is a math department approved textbook, please use
the test banks and homework problems from the textbook for the tests.

Concerning universal math formulas/graphs, you must clearly attribute the author of the document on course materials
other than yourself.

Concerning the use of materials authored by your colleagues in the math deparment, you must obtain approval from
Tim Bryan for the use of his materials.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez@pcmail.maricopa.edu wrote:

        January 7, 2011

        Dear President Solley,

        Mr. Eddie Genna said you wanted me to direct my questions and concerns to
        you regarding your letter of December 9, 2010. There are areas of clarification
        I need.

        Please clarify what you mean by ?course materials? when you say I must ?use
        only course materials approved by the department, that are available in the
        bookstore for sale to the students and that are authored by persons other
        than yourself.?
        Can I write my own tests?
        What about my use of universal math formulas for graphs, trigonometry, and
        calculus which I selected and prepared for my students to memorize but I

have not found such documents in other materials?
Can I use materials authored by my colleagues in the math department?

Specifically what are you referring to when you say ?I have also considered
our experiences under the current temporary arrangement???
I am not aware of any ?printing or copying? of ?unauthorized materials? or
failure ?to follow the law as well as Maricopa policies and procedures??
during summer and fall 2010.
I want to rectify whatever misunderstanding has occurred but I need to know
details.

I thank you for your response to these questions.

Cleopatria

-- Original Message --
Date: Fri, 10 Dec 2010 16:43:12 -0700
From: Renee Perry <renee.perry@pcmail.maricopa.edu>
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
CC: Anna Solley <anna.solley@pcmail.maricopa.edu>
Subject: Re: Electronic Copy of Dec 9, 2010, letter

Per your request.

rp

On 12/9/2010 11:35 AM, cleopatria.martinez wrote:

Good morning Dr. Solley,   12-9-10
Please provide me with an electronic copy of the letter that was
handdelivered to me today.
Thank you,
Cleopatria

Attachment: c.martinez.12_9_10docx-1.pdf

Attachment: renee_perry.vcf

Cleopatria Martinez, PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

11/1/2013

Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
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11/1/2013

EXHIBIT 40

April Roll

From:	Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent:	Friday, November 01, 2013 1:55 PM
To:	April Roll
Subject:	Fwd: MAT120 Outline for Spring 2011

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Tue, Jan 18, 2011 at 5:13 PM
Subject: Re: MAT120 Outline for Spring 2011
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>,
Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>

Dr. Martinez, please note that as per my letter to you dated December 9, 2010 and my recent email message to you of January 14, 2011, you are directed to use only course materials that are approved by the department, that are available in the bookstore for sale to the students and that are authored by persons other than yourself. You are not allowed to alter or change these materials in any manner. Therefore, your request to change or alter the materials is not approved.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez wrote:

> President Solley, 1-18-11
>
> I received permission from the author, Tim Bryan, to make the following edits to his MAT120 Outline (Table of Contents):
> 1) replaced the Roman Numerals
> 2) inserted quotes from various people such as Ghandi between chapters in an effort to inspire, motivate, and bring diversity into the classroom
> 3) Added lines to the table of contents (so students could right down the due date of the homework) and included the page number where the section begins in the notes (so students can more easily locate the section).
>
> These changes benefit the students. Joe Sueyoshi will not approve my request to use the lecture notes for copying because of this outline. In his email (1-14-11) stated, "he [Mr. Bryan] nor you are in a position to judge whether or not you have violated copyright laws..." and that "Tim is technically no longer the author of the revised materials--you are the author!"
>
> *I am requesting your permission to make these changes to the Outline (Table of Contents). *
>
> Attachments: MAT120 Outline without changes and with changes.
>
> Respectfully,
> Cleopatria Martinez, PhD

11/1/2013

Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390

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11/1/2013

EXHIBIT 41

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:00 PM
To: April Roll
Subject: Fwd: December 9, 2010 Directive

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Thu, Feb 3, 2011 at 4:27 PM
Subject: Re: December 9, 2010 Directive
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, jabdo@napierlawfirm.com, Harold Cranswick <harold.cranswick@mcmail.maricopa.edu>, Eddie Genna <eddie.genna@pcmail.maricopa.edu>, Michael Napier <mike@napierlawfirm.com>, Melissa Sailors <msailors@napierlawfirm.com>, Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>

Dear Dr. Martinez,

Please note my responses to your questions as follows:

- Concerning tests for your courses, please ask Tim Bryan for his approval to use his tests for MAT 120. In regards to the other math courses that you are teaching and for which there is a math department approved textbook, you are to use the test banks and homework problems from the textbook for the tests. You may not alter or change these materials in any manner. In other words, you may not use test questions or homework problems that you create yourself, but you can choose which questions and problems will be used and assigned.
- Concerning your syllabus, Mr. Sueyoshi may edit the content of your syllabus, only to the extent necessary to accomplish the goals of my directive dated December 9, 2010.
- When using a colleague's materials, you must use the materials in their current format--no alterations are allowed.
- I have received documentation concerning Mr. Tim Bryan's approval for your use of his materials.
- You must use universal formulas/graphs from the textbook you are using or from identifiable sources of such documents that have been placed in the public domain. Whether you use copyrighted or public domain graphs or formulas, you must identify the source in your handouts.
- I do not intend to pursue additional charges of copyright violation based on past events or allegations, and I decline to engage in further discussion of the past. I expect that there will be no violations in the future, if you follow the restrictions I imposed in response to the findings of the Evaluation Team.
- I am not persuaded by Mr. Bellamy's opinion. He is your attorney and advocate, not an attorney for the College. As such, he has no obligation to protect the College's interests.

In addition, if you want to have materials scanned, you must seek approval from Mr. Sueyoshi in a timely manner (minimum of two days work notice). Scanning is copying and subject to the conditions set forth in my directive.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez wrote:

Dear President Solley,

Thank you for your response to my email dated 1/7/2011. I wish to fully comply with the terms of your directive. Would you verify my interpretation below?

1) I am understanding that I cannot write tests, quizzes, or handouts for students. With respect to tests and quizzes, I may only use problems from the textbook test bank or text homework problems. For my MAT120 class, I may only use Tim Bryan's tests if he gives me permission. I am limited to using test questions which are in the textbook test banks or homework.

2) I may write my syllabus. However, Mr. Sueyoshi may restrict the content of my syllabus.

3) When I use a colleague's material I may not change anything including the numbering of chapters from Roman Numerals to Arabic Numerals even if the author gives permission for such changes.

4) By the PC Math Department Policy, all math faculty (adjunct and residential faculty) may use Tim Bryan's material. However, you indicate that I "must obtain approval from Tim Bryan for the use of his materials." Tim gave his approval to me in an email written to Joe. Was it your understanding that perhaps I had not obtained his personal approval?

5) Universal math formulas/graphs are not copyrighted because they do not belong to a specific author. I select certain formulas and graphs to be memorized by my students. There is no author other than myself for these selected formulas and graphs. Consequently, I am not sure how to cite this kind of math content. Perhaps you could provide me with copyright guidance.

I do not believe you responded to the following question which I asked in my correspondence of January 7, 2011. I need to know to what events you are referring so that I can do better.

> Specifically what are you referring to when you say "I have also considered our experiences under the current temporary arrangement..."? I am not aware of any "printing or copying" of "unauthorized materials" or failure "to follow the law as well as Maricopa policies and procedures..." during summer and fall 2010.
> I want to rectify whatever misunderstanding has occurred but I need to know details.

Likewise, in the third paragraph of your directive dated December 9, 2010, you state "due to your repeated copyright violations..." I trust you will identify these "repeated copyright violations" as requested in my previous paragraph. I note that the District's expert legal counsel did not conclude with a finding of copyright violation but with a recommendation "to avoid the risk of copyright infringement" and even affirmed: "We cannot state definitively whether this particular work was created independently, nor is there sufficient evidence in the work itself for us to form an opinion that it was copied from other sources without permission."

Mr. Fredric Bellamy, an intellectual property Harvard lawyer with nearly 25 years experience, concluded that my "lecture notes clearly fall within the scope of the fair use doctrine in

Thanking you in advance for your timely response.

Respectfully,

11/1/2013

Cleopatria Martinez, PhD

Attachment: Letter from Mr. Fredric D Bellamy

--
Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
Phoenix , Arizona 85013   W602-285-7390

--
Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
       Cada cabeza es un mundo.

11/1/2013

EXHIBIT 42

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:00 PM
To: April Roll
Subject: Fwd: FW: Re: Copy Request: MAT120 Homework Outline for Syllabus

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Tue, Feb 8, 2011 at 2:35 PM
Subject: Re: FW: Re: Copy Request: MAT120 Homework Outline for Syllabus
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>, Lee Combs <lee.combs@domail.maricopa.edu>, Joe Sueyoshi
Cc: Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Lee Combs <lee.combs@domail.maricopa.edu>, Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>, jabdo@napierlawfirm.com, mike@napierlawfirm.com, msailors@napierlawfirm.com, Sharon Zapata <zapata_romero@hotmail.com>

Dr. Martinez,

In keeping with my directive dated December 9, 2010 and for the reasons previously shared with you by Mr. Sueyoshi, I support his decision not to copy your homework outline.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez wrote:

> Dr. Solley,   2-7-11
>
> With all due respect, I indicated in my email of 2-3-11 that the copy request for my Homework Outline is part of MY syllabus. It is not my "colleague's material." When I use his materials I use them in their current format. The request I am placing before you is to copy MY syllabus Homework Outline for my students. I need to know if you recognize Mr. Sueyoshi's error in denying my copy request or if you support his decision not to copy MY syllabus Homework Outline.
>
> My request is that you allow copies of my syllabus Homework Outline for my students be made by class time which is 9:00am Thursday, Feb. 10, 2011.
>
> Thank you,
> Cleopatria

> Anna Solley wrote:
>
>> Dr. Martinez, as I clarified yesterday, please note that when using a colleague's materials, you must use the materials in their current format--no alterations are allowed.
>>
>> Sincerely,
>>
>> Anna Solley, Ed.D.
>> President
>> Phoenix College
>>
>> cleopatria.martinez@pcmail.maricopa.edu wrote:
>>
>>> Dear Dr. Solley,   2-3-11
>>> I have attached the two Homework Outline pages of my MAT120 syllabus. The
>>> Homework Outline I left for Joe to copy for my students has no page numbers
>>> as per his request (because I whited them out). In his email tonight (2-11)
>>> Joe interprets your directive as supporting his decision not to copy the
>>> Homework Outline for my students. As I have stated, the Homework Outline
>>> he has does NOT have any page numbers. I am concerned that he has gone beyond
>>> your directive in denying my students a copy of the syllabus for the class.
>>> We have just finished the third week of classes and my MAT120 students do
>>> not have this homework outline. Is he interpreting your directive correctly?
>>> Is it your position that these students may not have a copy of the MAT120

11/1/2013

Homework Outline (without page numbers)?
Respectfully,
Cleopatria

Cleopatria Martinez, PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

Subject: Re: Copy Request: MAT120 Homework Outline for Syllabus
From: Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>
Date: Thu, 03 Feb 2011 19:37:40 -0700
To: cleopatria.martinez@pcmail.maricopa.edu
To: cleopatria.martinez@pcmail.maricopa.edu
CC: casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Lee Combs <lee.combs@domail.maricopa.edu>, Kelly Loucks <kelly.loucks@pcmail.maricopa.edu>, Tim Bryan <tim.bryan@pcmail.maricopa.edu>

As per the response sent by the President earlier today, you must use Tim's Outline only. So, I cannot approve your request.

I have also asked Tim to replace your edited version of Tim's materials with Tim's actual materials on your webpage. This should be update by the end of Friday, or Monday at the latest, pending Tim's schedule.

joe

On 2/2/2011 10:35 PM, cleopatria.martinez@pcmail.maricopa.edu wrote:

> Joe,   2-2-11
> You asked that I ?remove the page numbers from the document (both pages)?
> and the page numbers have been whited out as you requested. You wanted two
> days notice and you have the two days notice you require.
> Why are you saying I won?t have the copies of my MAT120 Homework Outline
> for my syllabus until early next week? What is the challenge you are seeing?
>
> We need to consider the needs of the students. Please respond ASAP.
> Cleopatria
>
>
> Cleopatria Martinez,PhD
> Professor of Mathematics
> Department of Mathematics
> Phoenix College--MCCCD
> 1202 W. Thomas Road
> Phoenix, Arizona 85013
> Office: 602.285.7390
> Fax: 602.285.7668

Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
Phoenix , Arizona 85013   W602285-7390

--
Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
       Cada cabeza es un mundo.

EXHIBIT 43

April Roll

From:	Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent:	Friday, November 01, 2013 2:05 PM
To:	April Roll
Subject:	Fwd: FW: Re: Tests for M120

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Mon, Feb 14, 2011 at 1:15 PM
Subject: Re: FW: Re: Tests for M120
To: cleopatriamartinez@pcmail.maricopa.edu
Cc: tim.bryan@pcmail.maricopa.edu, Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>

Dr. Martinez, recommend that you create a test using only Tim's homework problems and/or portions of his exams that apply to chapter one.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez@pcmail.maricopa.edu wrote:

```
Good Afternoon, Dr. Solley,    2-11-11
I have recently completed Chapter 1 of Mr. Bryan's material, and my students
are ready for a test over Chapter 1.
Mr. Bryan gives three tests per semester and I give one test after each chapter.
 As Mr. Bryan notes, our test dates do not correspond to the same amount
of material.  He and I recommend I use his "homework problems or similar
to homewowrk problems" to create tests.
We look forward to hearing from you at your earliest convenience regarding
our recommendation.
Thank you,
Cleopatria
Cleopatria Martinez,PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona  85013
Office:  602.285.7390
Fax:     602.285.7668
```

Subject: Re: Tests for M120
From: Tim Bryan <tim.bryan@pcmail.maricopa.edu>
Date: Fri, 11 Feb 2011 15:08:23 -0700
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>

You may use my test questions, although our test dates may not correspond to the same amount of material. It would be better, if you could use homework problems or similar to homework problems.
Tim Bryan

On Feb 11, 2011, at 1:31 PM, cleopatria.martinez wrote:

Hi Tim, 2-11-11
May I hear from you in regards to using your tests for my M120 class?
Thanks,
Cleopatria

--

Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd, Phoenix , Arizona 85013
W602-285-7390

--
Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
        Cada cabeza es un mundo.

11/1/2013

EXHIBIT 44

April Roll

From:	Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent:	Friday, November 01, 2013 2:05 PM
To:	April Roll
Subject:	Fwd: Meeting Request

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Thu, Feb 17, 2011 at 5:35 PM
Subject: Re: Meeting Request
To: cleopatria.martinez@pcmail.maricopa.edu
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>

Dr. Martinez, please send me a written proposal that includes your recommendations.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez@pcmail.maricopa.edu wrote:

Dear Dr. Solley,   2-16-11
I am asking to meet with you to resolve the continuing issue of my academic
freedom and to end the impasse that I believe exists between the Phoenix
College administration and me. I feel that your directive does not allow
me to do my job as a faculty member.
I would like to propose a middle ground that all parties can live with.
I look forward to receiving your response.
Respectfully,
Cleopatria

Cleopatria Martinez,PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
          Cada cabeza es un mundo.

11/1/2013

April Roll

From:	Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent:	Friday, November 01, 2013 2:05 PM
To:	April Roll
Subject:	Fwd: Meeting Request

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Thu, Feb 17, 2011 at 5:35 PM
Subject: Re: Meeting Request
To: cleopatria.martinez@pcmail.maricopa.edu
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>

Dr. Martinez, please send me a written proposal that includes your recommendations.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez@pcmail.maricopa.edu wrote:

Dear Dr. Solley,   2-16-11
I am asking to meet with you to resolve the continuing issue of my academic
freedom and to end the impasse that I believe exists between the Phoenix
College administration and me. I feel that your directive does not allow
me to do my job as a faculty member.
I would like to propose a middle ground that all parties can live with.
I look forward to receiving your response.
Respectfully,
Cleopatria

Cleopatria Martinez,PhD
Professor of Mathematics
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1202 W. Thomas Road
Phoenix, Arizona 85013
Office: 602.285.7390
Fax: 602.285.7668

--
Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
        Cada cabeza es un mundo.

11/1/2013

EXHIBIT 45

April Roll

From:	Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent:	Friday, November 01, 2013 2:05 PM
To:	April Roll

Subject: Fwd: Meeting Request

---------- Forwarded message ----------
From: <cleopatria.martinez@pcmail.maricopa.edu>
Date: Fri, Feb 18, 2011 at 3:11 PM
Subject: Re: Meeting Request
To: Anna Solley <anna.solley@pcmail.maricopa.edu>
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>

Dear Dr. Solley,   2-18-11
Please review the attached recommendations.

I recommend

1) A residential faculty person will be appointed to judge my materials;
however, the present math chair will not be allowed to review any of my classroom
materials.

2) Classroom materials which I use must be free of copyright and attribution
problems.
Attribution will be given when copyrighted materials are to be copied and
distributed.

3) Fair use will be the copyright tenet used to ensure that classroom materials
are free of copyright issues.

4) My syllabus is to be copied.

5) My hand written lecture notes are to be copied.

6) Non-copyrighted materials or notes from colleagues, who have given permission,
may be distributed.

7) Instructor-produced tests will be distributed.

I look forward to receiving your response and meeting with you in the near
future.

>--- Original Message --
>Date: Thu, 17 Feb 2011 17:35:21 -0700
>From: Anna Solley <anna.solley@pcmail.maricopa.edu>
>To: cleopatria.martinez@pcmail.maricopa.edu

>CC: Lee Combs <lee.combs@domail.maricopa.edu>,
> Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>
>Subject: Re: Meeting Request
>
>
>Dr. Martinez, please send me a written proposal that includes your
>recommendations.
>
>Sincerely,
>
>Anna Solley, Ed.D.
>President
>Phoenix College
>
>cleopatria.martinez@pcmail.maricopa.edu wrote:
>
>>Dear Dr. Solley,   2-16-11
>>I am asking to meet with you to resolve the continuing issue of my academic
>>freedom and to end the impasse that I believe exists between the Phoenix
>>College administration and me. I feel that your directive does not allow
>>me to do my job as a faculty member.
>>I would like to propose a middle ground that all parties can live with.
>>I look forward to receiving your response.
>>Respectfully,
>>Cleopatria
>>
>>
>>Cleopatria Martinez,PhD
>>Professor of Mathematics
>>Department of Mathematics
>>Phoenix College--MCCCD
>>1202 W. Thomas Road
>>Phoenix, Arizona 85013
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>>Fax: 602.285.7668
>>
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>>
>

Cleopatria Martinez,PhD
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Department of Mathematics
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Fax: 602.285.7668

11/1/2013

--

Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390

Cada cabeza es un mundo.

11/1/2013

EXHIBIT 46

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:05 PM
To: April Roll
Subject: Fwd: Meeting Request

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Thu, Feb 17, 2011 at 5:35 PM
Subject: Re: Meeting Request
To: cleopatria.martinez@pcmail.maricopa.edu
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>

Dr. Martinez, please send me a written proposal that includes your recommendations.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez@pcmail.maricopa.edu wrote:

> Dear Dr. Solley,   2-16-11
> I am asking to meet with you to resolve the continuing issue of my academic
> freedom and to end the impasse that I believe exists between the Phoenix
> College administration and me. I feel that your directive does not allow
> me to do my job as a faculty member.
> I would like to propose a middle ground that all parties can live with.
> I look forward to receiving your response.
> Respectfully,
> Cleopatria
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>
> Cleopatria Martinez,PhD
> Professor of Mathematics
> Department of Mathematics
> Phoenix College--MCCCD
> 1202 W. Thomas Road
> Phoenix, Arizona 85013
> Office: 602.285.7390
> Fax: 602.285.7668
>

--
Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
        Cada cabeza es un mundo.

EXHIBIT 47

April Roll

From:	Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent:	Friday, November 01, 2013 2:13 PM
To:	April Roll
Subject:	Fwd: December 9, 2010 Directive
Attachments:	Bellamy--Intellectual Property Lawyer.bmp; Bellamy page 2.bmp

---------- Forwarded message ----------
From: **cleopatria.martinez** <cleopatria.martinez@pcmail.maricopa.edu>
Date: Thu, Jan 27, 2011 at 3:29 PM
Subject: Re: December 9, 2010 Directive
To: Anna Solley <anna.solley@pcmail.maricopa.edu>
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Harold Cranswick <harold.cranswick@mcmail.maricopa.edu>, Eddie Genna <eddie.genna@pcmail.maricopa.edu>, James Abdo <jabdo@napierlawfirm.com>, Michael Napier <mike@napierlawfirm.com>, Melissa Sailors <msailors@napierlawfirm.com>, Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>

Dear President Solley,

Thank you for your response to my email dated 1/7/2011. I wish to fully comply with the terms of your directive. Would you verify my interpretation below?

1) I am understanding that I cannot write tests, quizzes, or handouts for students. With respect to tests and quizzes, I may only use problems from the textbook test bank or text homework problems. For my MAT120 class, I may only use Tim Bryan's tests if he gives me permission. I am limited to using test questions which are in the textbook test banks or homework.

2) I may write my syllabus. However, Mr. Sueyoshi may restrict the content of my syllabus.

3) When I use a colleague's material I may not change anything including the numbering of chapters from Roman Numerals to Arabic Numerals even if the author gives permission for such changes.

4) By the PC Math Department Policy, all math faculty (adjunct and residential faculty) may use Tim Bryan's material. However, you indicate that I "must obtain approval from Tim Bryan for the use of his materials." Tim gave his approval to me in an email written to Joe. Was it your understanding that perhaps I had not obtained his personal approval?

5) Universal math formulas/graphs are not copyrighted because they do not belong to a specific author. I select certain formulas and graphs to be memorized by my students. There is no author other than myself for these selected formulas and graphs. Consequently, I am not sure how to cite this kind of math content. Perhaps you could provide me with copyright guidance.

I do not believe you responded to the following question which I asked in my correspondence of January 7, 2011. I need to know to what events you are referring so that I can do better.

> Specifically what are you referring to when you say "I have also considered our experiences under the current temporary arrangement..."? I am not aware of any "printing or copying" of "unauthorized materials" or failure "to follow the law as well as Maricopa policies and procedures..." during summer and fall 2010.
> I want to rectify whatever misunderstanding has occurred but I need to know details.

Likewise, in the third paragraph of your directive dated December 9, 2010, you state "due to your repeated copyright violations..." I trust you will identify these "repeated copyright violations" as requested in my previous paragraph. I note that the District's expert legal counsel did not conclude with a finding of copyright violation but with a recommendation "to avoid the risk of copyright infringement" and even affirmed: "We cannot state definitively whether this particular work was created independently, nor is there sufficient evidence in the work itself for us to form an opinion that it was copied from other sources without permission."

Mr. Fredric Bellamy, an intellectual property Harvard lawyer with nearly 25 years experience, concluded that my "lecture notes clearly fall within the scope of the fair use doctrine in copy

Thanking you in advance for your timely response.

Respectfully,

Cleopatria Martinez, PhD

Attachment: Letter from Mr. Fredric D Bellamy

Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
Phoenix , Arizona 85013   (602)-285-7390

--
Cleopatria Martinez, PhD, Department of Mathematics, Phoenix, College 80213, (602) 285-7390
    Cada cabeza es un mundo.

11/1/2013

STEPTOE & JOHNSON LLP
ATTORNEYS AT LAW

Fredric D. Bellamy
602.257.5204
fbellamy@steptoe.com

Collier Center
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-2382
Tel 602.257.5200
Fax 602.257.5299
steptoe.com

December 16, 2010

Cleopatria Martinez, Ph.D.
7030 North 21st Street
Phoenix, AZ 85010

Re: Review of Copyright Issues Relating to Class Lecture Notes

Dear Dr. Martinez:

You requested that I review your lecture notes with respect to issues of potential copyright infringement. In connection with doing so, I also reviewed your correspondence with the publisher of the textbook that you use these notes with, and specifically considered whether they fall within the scope of your publisher's permission or as fair use under U.S. copyright law, or both. The materials you sent me include your Spring 2010 lecture notes for MAT182 Trigonometry, as well as the pages from the required textbook that contain similar math problems and that discuss the subjects on which you lectured. You also included a copy of correspondence you received from Ronnie Elliott discussing certain issues relating to copyright permission.

In reviewing these materials, I note that my practice as a lawyer has included copyright infringement actions since I began practicing law in Arizona (and in federal court in the Northern District of California). After graduating from Harvard Law School in 1986, I have spent a substantial portion of my legal practice over almost 25 years representing clients in copyright, trademark, unfair competition and other intellectual property matters. I have been recognized in a publication (based on a peer-review methodology) as a "Southwest Superlawyer" in the field of Intellectual Property Litigation, and I have frequently counseled clients on copyright and other intellectual property-related issues. I have also spoken many times at continuing legal education programs for bar and other organizations, including the Phoenix City Attorney's office, on copyright and related legal areas.

Based on the materials I reviewed, it is my conclusion that your lecture notes fall clearly within the scope of the fair use doctrine in copyright law. My conclusion is based on the following factors:

Doc. #609912 v.1

WASHINGTON · NEW YORK · CHICAGO · PHOENIX · LOS ANGELES · CENTURY CITY · LONDON · BRUSSELS · BEIJING

Ms. Cleopatria Martinez
December 16, 2010
Page 2 of 2

STEPTOE & JOHNSON LLP

1.   The purpose and character of your lecture notes are not for any commercial purpose and are purely for nonprofit educational purposes. Indeed, in my view your lecture notes are the quintessential educational-purpose types of materials that fall squarely within the core of the fair use defense's ambit and reason for existence. It is in the nature of a required textbook to be used as a source material for a professor's lectures.

2.   The nature of the copyrighted work is that of a textbook on mathematics, which implies and anticipates the type of uses reflected in your lecture notes. It is in the implicit nature of such a textbook containing mathematical problems or exercises that the enrolled students may be asked to develop, practice and demonstrate their knowledge and understanding of the textbook's lessons by performing additional exercises similar in nature to those presented in the textbook. In my review of the problems set forth in your lecture notes, it appears that they are based on similar mathematical principles with changes in the numerical or other pertinent parameters designed to assist students in the learning of the textbook's lessons as used and taught by you as the course instructor and professor.

3.   The amount and substantiality of the portion of the copyrighted materials used in relation to the textbook as a whole is reasonable in light of the notes' supplementary nature to your lectures based on that book. The lecture notes appear to be intended to serve as a convenient means for your students to pay attention to your lectures and to retain the information, while providing them with additional exercises based on the mathematical principles you are teaching in the trigonometry course. The lecture notes do not appear to supplant the textbook, but rather to supplement it. The use of materials appears to be limited to that purpose and context.

4.   There does not appear to be any adverse effect on the potential market for the textbook based on the lecture notes, as the students are required to purchase the textbook for the course. The absence of any such effect on the market is consistent with the fact that the publisher has granted you permission to use the materials in the precise manner in which you used them.

Therefore, all of these factors support the conclusion that your lecture notes clearly fall within the fair use doctrine under U.S. copyright law under the circumstances. I am not aware of any factor that militates in favor of a contrary conclusion, and do not see a reasonable basis in this situation for undue concern about potential copyright infringement. Please let me know if you have any questions.

Sincerely,

Fredric D. Bellamy

FDB:dh

Doc. #609912 v.1

EXHIBIT 48

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:13 PM
To: April Roll
Subject: Fwd: FW: Re: Copy Request: MAT120 Homework Outline for Syllabus

---------- Forwarded message ----------
From: **Anna Solley** <anna.solley@pcmail.maricopa.edu>
Date: Fri, Feb 4, 2011 at 1:53 PM
Subject: Re: FW: Re: Copy Request: MAT120 Homework Outline for Syllabus
To: cleopatria.martinez@pcmail.maricopa.edu
Cc: Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Lee Combs <lee.combs@domail.maricopa.edu>, Joe
Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>

Dr. Martinez, as I clarified yesterday, please note that when using a colleague's materials, you must use the materials in their
current format--no alterations are allowed.

Sincerely,

Anna Solley, Ed.D.
President
Phoenix College

cleopatria.martinez@pcmail.maricopa.edu wrote:

```
Dear Dr. Solley,    2-3-11
I have attached the two Homework Outline pages of my MAT120 syllabus.  The
Homework Outline I left for Joe to copy for my students has no page numbers
as per his request (because I whited them out).   In his email tonight (2-3-11)
Joe interprets your directive as supporting his decision not to copy the
Homework Outline for my students.  As I have stated, the Homework Outline
he has does NOT have any page numbers.   I am concerned that he has gone beyond
your directive in denying my students a copy of the syllabus for the class.
We have just finished the third week of classes and my MAT120 students do
not have this homework outline. Is he interpreting your directive correctly?
 Is it your position that these students may not have a copy of the MAT120
Homework Outline (without page numbers)?
Respectfully,
Cleopatria



Cleopatria Martinez, PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona  85013
Office:  602.285.7390
Fax:     602.285.7668
```

Subject: Re: Copy Request: MAT120 Homework Outline for Syllabus
From: Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>
Date: Thu, 03 Feb 2011 19:37:40 -0700

11/1/2013

To: cleopatria.martinez@pcmail.maricopa.edu
To: cleopatria.martinez@pcmail.maricopa.edu
CC: casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Lee Combs <lee.combs@domail.maricopa.edu>, Kelly Loucks <kelly.loucks@pcmail.maricopa.edu>, Tim Bryan <tim.bryan@pcmail.maricopa.edu>

As per the response sent by the President earlier today, you must use Tim's Outline only. So, I cannot approve your request.

I have also asked Tim to replace your edited version of Tim's materials with Tim's actual materials on your webpage. This should be update by the end of Friday, or Monday at the latest, pending Tim's schedule.

joe

On 2/2/2011 10:35 PM, cleopatria.martinez@pcmail.maricopa.edu wrote:

> Joe,   2-2-11
> You asked that I ?remove the page numbers from the document (both pages)?
> and the page numbers have been whited out as you requested. You wanted two
> days notice and you have the two days notice you require.
> Why are you saying I won?t have the copies of my MAT120 Homework Outline
> for my syllabus until early next week? What is the challenge you are seeing?
>
> We need to consider the needs of the students. Please respond ASAP.
> Cleopatria
>
>
> Cleopatria Martinez,PhD
> Professor of Mathematics
> Department of Mathematics
> Phoenix College--MCCCD
> 1202 W. Thomas Road
> Phoenix, Arizona 85013
> Office: 602.285.7390
> Fax: 602.285.7668

Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
    Cada cabeza es un mundo.

EXHIBIT 49

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]

Sent: Friday, November 01, 2013 2:15 PM

To: April Roll

Subject: Fwd: [Fwd: Copy Calc Ch 3 Test]

---------- Forwarded message ----------
From: **Joe Sueyoshi** <joesueyoshi@pcmail.maricopa.edu>
Date: Mon, Apr 4, 2011 at 12:58 PM
Subject: Re: [Fwd: Copy Calc Ch 3 Test]
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
Cc: Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Anna Solley
<anna.solley@pcmail.maricopa.edu>, Kelly Loucks <kelly.loucks@pcmail.maricopa.edu>, Lee Combs
<lee.combs@domail.maricopa.edu>

Since you must give two days notice, if I approve the copy job the same day, it will easily be done within the two day time-frame. If I reject a copy job, it is usually done on the same day as well (unless the copy job is sent after 4 p.m.)

If I happen to forget to notify you, then you understand how I feel when you have repeated not responded to several of my e-mails concerned your testing in your MAT082 class. To date, I have not approved a single copy job involving your tests in MAT082. I think it's reasonable to believe that you are omitting something since you have not been completely truthful in the past.   Creating your own tests and using your own materials would violate the directive from the President, the task I've been asked to observe and report.

If I am mistaken, please respond. If you do not, I have been given permission to ask your students before semester's end to obtain the necessary information.

joe

On 4/4/2011 11:37 AM, cleopatria.martinez wrote:

> Hi Casandra,   4-4-11
>
> I don't have any way of knowing if the chair is going to approve my requests, and I have asked him
> to notify me. To this date, he has not after repeated requests. The reason I want him to notify me is
> so I can plan accordingly. Would you please direct the chair to notify me about his decision to
> print or not to print my requests?
> Thank you,
> Cleopatria
>
>
> --
> Cleopatria Martinez, PhD
> Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
> Phoenix , Arizona   85013   W602-285-7390

11/1/2013

--

Cleopatria Martinez, PhD, Department of Mathematics, Phoenix, College 80213, (602) 285-7390

Cada cabeza es un mundo.

EXHIBIT 50

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:15 PM
To: April Roll
Subject: Fwd: [Fwd: Copy Calc Ch 3 Test]

---------- Forwarded message ----------
From: **Joe Sueyoshi** <joesueyoshi@pcmail.maricopa.edu>
Date: Mon, Apr 4, 2011 at 2:26 PM
Subject: Re: [Fwd: Copy Calc Ch 3 Test]
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Anna Solley <anna.solley@pcmail.maricopa.edu>, Kelly
Loucks <kelly.loucks@pcmail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>

I asked Mr. Combs if I would be permitted to visit your classes, if necessary, if I felt there were any questions
about whether or not you were following the directive from the President. He said that I could visit your classes.

Since you did not simply respond to my previous inquiries about MAT082 testing, I still have reasonable doubts
about your current response.

joe

On 4/4/2011 2:03 PM, cleopatria.martinez wrote:

> Hi Joe,   4-4-11
> Again, please remember to notify me when you notify the math secretary whether or
> not my copy request has been approved.
> I am using questions from the test bank and the textbook as directed by President
> Solley. I am projecting test questions on the overhead screen for students to copy. I
> am not creating my own tests, and I am not using my own materials so as not to violate
> the directive from President Solley.
> You indicate, "I have been given permission to ask your students before semester's end to obtain the
> necessary information." Who has given you this permission?
> Thanks,
> Cleopatria
>
>
> Joe Sueyoshi wrote:
>
>> Since you must give two days notice, if I approve the copy job the same day, it will easily
>> be done within the two day time-frame. If I reject a copy job, it is usually done on the
>> same day as well (unless the copy job is sent after 4 p.m.)
>>
>> If I happen to forget to notify you, then you understand how I feel when you have repeated
>> not responded to several of my e-mails concerned your testing in your MAT082 class. To
>> date, I have not approved a single copy job involving your tests in MAT082. I think it's
>> reasonable to believe that you are omitting something since you have not been completely
>> truthful in the past.   Creating your own tests and using your own materials would violate

11/1/2013

the directive from the President, the task I've been asked to observe and report.

If I am mistaken, please respond. If you do not, I have been given permission to ask your students before semester's end to obtain the necessary information.

joe

On 4/4/2011 11:37 AM, cleopatria.martinez wrote:

Hi Casandra, 4-4-11

I don't have any way of knowing if the chair is going to approve my requests, and I have asked him to notify me. To this date, he has not after repeated requests. The reason I want him to notify me is so I can plan accordingly. Would you please direct the chair to notify me about his decision to print or not to print my requests?
Thank you,
Cleopatria

--
Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
Phoenix , Arizona 85013   W602-285-7390

--
Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
Phoenix , Arizona 85013   W602-285-7390

--
Cleopatria Martinez, PhD, Department of Mathematics, Phoenix, College 80213, (602) 285-7390
        Cada cabeza es un mundo.

11/1/2013

EXHIBIT 51

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:15 PM
To: April Roll
Subject: Fwd: [Fwd: Copy Calc Ch 3 Test]

---------- Forwarded message ----------
From: **Joe Sueyoshi** <joesueyoshi@pcmail.maricopa.edu>
Date: Tue, Apr 5, 2011 at 4:23 PM
Subject: Re: [Fwd: Copy Calc Ch 3 Test]
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
Cc: Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>, Kelly Loucks
<kelly.loucks@pcmail.maricopa.edu>, Lee Combs <lee.combs@domail.maricopa.edu>

I just want you to clarify something you wrote . You are projecting test questions on the "overhead" screen for students to copy and then students have to answer the questions. Does that include entire word problems? Do you provide the paper, too?

Wouldn't it be more efficient to make copies of tests from the test bank since copying is very time-consuming and students under the duress of a test are likely to either make copying errors or be unable to see the screen from the back of the room? You already use the test bank for your MAT220 class.

Perhaps you know something from your years of teaching experience that explains your strategy of test-taking. I would like to know your rationale, if you wish to share it. Otherwise, if you do not respond to my query, you can understand why I have reasonable doubts about your response.

joe

On 4/4/2011 2:03 PM, cleopatria.martinez wrote:

> Hi Joe,   4-4-11
> Again, please remember to notify me when you notify the math secretary whether or
> not my copy request has been approved.
> I am using questions from the test bank and the textbook as directed by President
> Solley. I am projecting test questions on the overhead screen for students to copy. I
> am not creating my own tests, and I am not using my own materials so as not to violate
> the directive from President Solley.
> You indicate, "I have been given permission to ask your students before semester's end to obtain the
> necessary information." Who has given you this permission?
> Thanks,
> Cleopatria

Joe Sueyoshi wrote:

Since you must give two days notice, if I approve the copy job the same day, it will easily be done within the two day time-frame. If I reject a copy job, it is usually done on the same day as well (unless the copy job is sent after 4 p.m.)

If I happen to forget to notify you, then you understand how I feel when you have repeated not responded to several of my e-mails concerned your testing in your MAT082 class. To date, I have not approved a single copy job involving your tests in MAT082. I think it's reasonable to believe that you are omitting something since you have not been completely truthful in the past. Creating your own tests and using your own materials would violate the directive from the President, the task I've been asked to observe and report.

If I am mistaken, please respond. If you do not, I have been given permission to ask your students before semester's end to obtain the necessary information.

joe

On 4/4/2011 11:37 AM, cleopatria.martinez wrote:

Hi Casandra,   4-4-11

I don't have any way of knowing if the chair is going to approve my requests, and I have asked him to notify me. To this date, he has not after repeated requests. The reason I want him to notify me is so I can plan accordingly. Would you please direct the chair to notify me about his decision to print or not to print my requests?
Thank you,
Cleopatria

--
Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
Phoenix , Arizona 85013   W602-285-7390

--
Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
Phoenix , Arizona 85013   W602-285-7390

--
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EXHIBIT 52

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:20 PM
To: April Roll
Subject: Fwd: [Fwd: Copy Calc Ch 3 Test]

---------- Forwarded message ----------
From: **cleopatria.martinez** <cleopatria.martinez@pcmail.maricopa.edu>
Date: Thu, Apr 7, 2011 at 12:13 PM
Subject: Re: [Fwd: Copy Calc Ch 3 Test]
To: Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>
Cc: Lee Combs <lee.combs@domail.maricopa.edu>, Anna Solley <anna.solley@pcmail.maricopa.edu>, Kelly Loucks
<kelly.loucks@pcmail.maricopa.edu>, Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>

Joe,
Please provide clarification. I don't understand-- " Since you did not simply respond to my previous inquiries about MAT082
testing, I still have reasonable doubts about your current response."
Cleopatria

Joe Sueyoshi wrote:

> I asked Mr. Combs if I would be permitted to visit your classes, if necessary, if I felt there were any questions
> about whether or not you were following the directive from the President. He said that I could visit your classes.
>
> Since you did not simply respond to my previous inquiries about MAT082 testing, I still have reasonable doubts
> about your current response.
>
> joe
>
> On 4/4/2011 2:03 PM, cleopatria.martinez wrote:
>
>> Hi Joe,   4-4-11
>> Again, please remember to notify me when you notify the math secretary whether or
>> not my copy request has been approved.
>> I am using questions from the test bank and the textbook as directed by President
>> Solley. I am projecting test questions on the overhead screen for students to copy. I
>> am not creating my own tests, and I am not using my own materials so as not to violate
>> the directive from President Solley.
>> You indicate, "I have been given permission to ask your students before semester's end to obtain the
>> necessary information." Who has given you this permission?
>> Thanks,
>> Cleopatria
>>
>>
>> Joe Sueyoshi wrote:
>>
>>> Since you must give two days notice, if I approve the copy job the same day, it will easily
>>> be done within the two day time-frame. If I reject a copy job, it is usually done on the
>>> same day as well (unless the copy job is sent after 4 p.m.)
>>>
>>> If I happen to forget to notify you, then you understand how I feel when you have
>>> repeated not responded to several of my e-mails concerned your testing in your MAT082
>>> class. To date, I have not approved a single copy job involving your tests in MAT082. I
>>> think it's reasonable to believe that you are omitting something since you have not been

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completely truthful in the past.   Creating your own tests and using your own materials would violate the directive from the President, the task I've been asked to observe and report.

If I am mistaken, please respond. If you do not, I have been given permission to ask your students before semester's end to obtain the necessary information.

joe

On 4/4/2011 11:37 AM, cleopatria.martinez wrote:

Hi Casandra, 4-4-11

I don't have any way of knowing if the chair is going to approve my requests, and I have asked him to notify me. To this date, he has not after repeated requests. The reason I want him to notify me is so I can plan accordingly. Would you please direct the chair to notify me about his decision to print or not to print my requests?
Thank you,
Cleopatria

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EXHIBIT 53

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:20 PM
To: April Roll
Subject: Fwd: Textbook Required?

---------- Forwarded message ----------
From: **cleopatria.martinez** <cleopatria.martinez@pcmail.maricopa.edu>
Date: Mon, Apr 11, 2011 at 8:06 AM
Subject: Re: Textbook Required?
To: Wilbert Nelson <Wilbert.Nelson@phoenixcollege.edu>
Cc: "joe.sueyoshi@pcmail.maricopa.edu" <joe.sueyoshi@pcmail.maricopa.edu>,
"casandra.kakar@pcmail.maricopa.edu" <casandra.kakar@pcmail.maricopa.edu>

Wilbert, 4-11-11
This is a policy question. What is the policy regarding textbook adoption by faculty? Do we have the option of recommending, requiring, highly recommending a textbook? I will of course always use material that will give the student(s) the foundation they need to succeed in the completion of their educational goals. I simply wish to know the policy regarding the textbook so I can respond to an email from Kelly Loucks regarding this topic..
I hope this clears it up for you but if you have additional questions, please feel free to ask me.
Respectfully,
Cleopatria

Wilbert Nelson wrote:

> Cleopatria.

> Good afternoon, I am not in a position to respond to your question since I am not sure what the context of it is. I would think that one would be using a textbook for a math course since in my mind this provides a resource for the student and a reference point for the instructor. I would strongly suggest that you discuss your concerns regarding this issue with your Department Chair and examine what the consequences are if no textbook is used for the instruction of your course. The central question would be whatever material that is used will it give the student(s) the foundation they need to succeed in the completion of their educational goals.

> Wilbert

From: cleopatria.martinez [mailto:cleopatria.martinez@pcmail.maricopa.edu]
Sent: Friday, April 08, 2011 1:10 PM
To: Wilbert Nelson
Subject: Re: Textbook Required?

11/1/2013

Good Afternoon Wilbert, 4-8-11
Just a friendly reminder to please respond to my question: Can faculty recommend or highly
recommend a textbook and not require it? May I hear from you by Monday, April 11?
Thank you,
Cleopatria

cleopatria.martinez wrote:

Good Morning Wilbert,   4-6-11
Are faculty required to require a textbook in their classes or can the faculty
member recommend or highly recommend a textbook without requiring it?
Please advise.
Thank you,
Cleopatria

--

Cleopatria Martinez, PhD

Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,

Phoenix , Arizona   85013   W602-285-7390

--

Cleopatria Martinez, PhD

Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,

Phoenix , Arizona   85013   W602-285-7390

--
Cleopatria Martinez, PhD
Professor of Mathematics, Phoenix College, 1202 W. Thomas Rd,
Phoenix , Arizona   85013   W602-285-7390

--

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EXHIBIT 54

Page 1 of 4

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent: Friday, November 01, 2013 2:20 PM
To: April Roll
Subject: Fwd: Request permission to copy my lecture notes

---------- Forwarded message ----------
From: <cleopatria.martinez@pcmail.maricopa.edu>
Date: Tue, Sep 20, 2011 at 2:28 PM
Subject: RE: Request permission to copy my lecture notes
To: "Lee, Karen" <karen.lee@cengage.com>

Dear Karen,   9-20-11
Thank you so much for helping me with this issue. I believe all possible
questions the administration may have are now addressed.
Have a great rest of the day,
Cleopatria

>-- Original Message --
>From: "Lee, Karen" <karen.lee@cengage.com>
>To: "cleopatria.martinez@pcmail.maricopa.edu"
>   <cleopatria.martinez@pcmail.maricopa.edu>
>Date: Tue, 20 Sep 2011 17:03:50 -0400
>Subject: RE: Request permission to copy my lecture notes
>
>
>Dear Cleopatria,
>
>Attached is a revised permission letter.
>
>I changed the course title from Calculus to College Algebra. And removed
>1 from the total pages. The total pages section is a mandatory field and
>that was why "1" entered. Whenever, we are unsure of the exact page count
>and page ranges of the material a "1" is entered into that field.
>
>I hope this clarifies things.
>
>Regards,
>
>Karen Lee
>Granting Manager, Rights Administration & Content Reuse
>Cengage Learning * 20 Davis Drive * Belmont, CA 94002
>(o) 650.413.7438 | (e) karen.lee@cengage.com | www.cengage.com/permissions
>
>
>-----Original Message-----
>From: cleopatria.martinez@pcmail.maricopa.edu [mailto:cleopatria.martinez@pcmail.maricopa.edu]
>
>Sent: Monday, September 19, 2011 8:20 PM
>To: Lee, Karen

11/1/2013

>Subject: RE: Request permission to copy my lecture notes
>
>Dear Karen,
>Thank you for your prompt reply. However, there are a few adjustments I
>request. 1) The course is College Algebra.
>2) Total pages is listed as "1". I am not clear to what the "1" refers.
> The examples from the textbook which I use are found throughout the book--not
>necessarily on "1" page. The Phoenix College administration may want me
to
>clarify this reference to "1" and at this time I am not understanding the
>meaning of the "1".
>Again, thank you for taking time to respond quickly. I know your time is
>valuable.
>Cleopatria
>
>>-- Original Message --
>>From: "Lee, Karen" <karen.lee@cengage.com>
>>To: "cleopatria.martinez@pcmail.maricopa.edu"
>>   <cleopatria.martinez@pcmail.maricopa.edu>
>>CC: "Park, Jane" <Jane.Park@cengage.com>
>>Date: Mon, 19 Sep 2011 20:24:36 -0400
>>Subject: RE: Request permission to copy my lecture notes
>>
>>
>>Dear Cleopatria,
>>
>>Attached is a permission letter granting you permission to us the material
>>as stated below. For future requests, you can submit them at www.cengage.com/permissions.
>>
>>Regards,
>>
>>Karen Lee
>>Granting Manager, Rights Administration & Content Reuse
>>Cengage Learning * 20 Davis Drive * Belmont, CA 94002
>>(o) 650.413.7438 | (e) karen.lee@cengage.com | www.cengage.com/permissions
>>
>>
>>-----Original Message-----
>>From: cleopatria.martinez@pcmail.maricopa.edu [mailto:cleopatria.martinez@pcmail.maricopa.edu]
>>
>>Sent: Monday, September 19, 2011 4:59 PM
>>To: Lee, Karen
>>Cc: Park, Jane
>>Subject: Request permission to copy my lecture notes
>>
>>Good afternoon Karen,   9-19-11
>>I have adopted and use your textbook (College Algebra with Applications
>for
>>Business and the Life Sciences by Larson & Hodgkins, 2009), and students
>>are required to purchase it for class.
>>
>>Instead of writing on the board, I write on paper which is projected onto
>>a screen for students to see and take notes. Every now and then I use
examples

11/1/2013

>>from the adopted textbook in my lectures to demonstrate a concept. Some
>of
>>my students have asked that I make copies for them of these lecture pages.
>>
>>In order to make these copies for the students, the Phoenix College administration
>>has asked me to provide them with correspondence from you indicating that
>>it is all right with you that I make copies of my lecture notes for students.
>> The administration also wishes to be assured that you are aware that some
>>examples from the adopted textbook are used in my lectures, and that you
>>find this to be an acceptable practice.
>>
>>Please respond as soon as possible so that I may get copies of my lecture
>>pages to give to my students.
>>
>>Thank you for your time and effort in this matter,
>>Cleopatria
>>
>>PS You may remember me since in December 2010 I asked you if I needed your
>>permission to use a table of integration formulas which I had written for
>>my calculus class. Our department had adopted a different textbook, but
>>the integration formulas were also found in your textbook; so my administration
>>was concerned that I did not have your permission to use the table I had
>>developed since these same formulas were found in a similar table in your
>>textbook.
>>
>>Cleopatria Martinez,PhD
>>Professor of Mathematics
>>Department of Mathematics
>>Phoenix College--MCCCD
>>1202 W. Thomas Road
>>Phoenix, Arizona 85013
>>Office: 602.285.7390
>>Fax: 602.285.7668
>>
>>Cleopatria Martinez,PhD
>>Professor of Mathematics
>>Department of Mathematics
>>Phoenix College--MCCCD
>>1202 W. Thomas Road
>>Phoenix, Arizona 85013
>>Office: 602.285.7390
>>Fax: 602.285.7668
>>
>>
>>
>>
>>Attachment: 262761-20110919.pdf
>>
>.
>Cleopatria Martinez,PhD
>Professor of Mathematics
>Department of Mathematics
>Phoenix College--MCCCD

11/1/2013

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>Attachment: 262761-20110920.pdf
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--
Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390

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EXHIBIT 55

April Roll

From:	Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]
Sent:	Friday, November 01, 2013 2:25 PM
To:	April Roll
Subject:	Fwd: Exam with Graph

---------- Forwarded message ----------
From: **Casandra Kakar** <Casandra.Kakar@phoenixcollege.edu>
Date: Mon, Apr 2, 2012 at 8:38 PM
Subject: Re: Exam with Graph
To: "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu>
Cc: "casandra.kakar@pcmail.maricopa.edu" <casandra.kakar@pcmail.maricopa.edu>, Wilbert Nelson <Wilbert.Nelson@phoenixcollege.edu>, "Lee Combs (lee.combs@domail.maricopa.edu)" <lee.combs@domail.maricopa.edu>, Anna Solley <anna.solley@pcmail.maricopa.edu>, "casoj79351@pcdual.maricopa.edu" <casoj79351@pcdual.maricopa.edu>

Dr. Martinez,
I apologize for the delay responding. The directive does not use the word, "create" so I will not in the future. It has merely confused the issue. Here is the language of the directive: "I now direct you to use only course materials that are approved by the department, that are available in the bookstore for sale to the students and that are authored by someone other than yourself." The word, "only" restricts you to the use of other authors' materials without modification. Because you modified the materials, Mr. Sueyoshi found that it would violate the directive.
Casandra

Sent from my iPad

On Apr 2, 2012, at 11:46 AM, "cleopatria.martinez" <cleopatria.martinez@pcmail.maricopa.edu> wrote:

> VPAA Kakar, 4-2-12
> This is a friendly reminder that you respond to my email of 3-19-12 and include your definition of "create."
> Thank you,
> Cleopatria

> On 3/19/2012 12:03 PM, cleopatria.martinez wrote:

>> VPAA Kakar,   3-19-12
>>
>> The graph in question has the same slope and y-intercept as the author's; therefore, they are the same graph which was created by the author, Mr. Lehmann. Please note, the graphs I "create" come from my mind, not from any author's textbook. Yet you are saying that I "created the graph" which I copied from page 30 of the textbook. I need to know your definition of "create."
>>
>> You state, "Per the directive, you are not permitted to 'create' your own math questions for exams (problems must be taken from the text)." Are you saying that I have "created" the questions for exams I copied from the author, Mr. Lehmann?
>>
>> I again request that you provide me with your definition of "create."
>> Thanking you in advance for providing me with your definition,
>>
>> Cleopatria

>> On 3/11/2012 12:45 PM, Casandra Kakar wrote:

>>> Dr. Martinez,
>>>
>>> From the directive, "All materials you use must be clearly attributed to authors other than yourself." Since you "created" the graph you are the author of the graph. It is not the same graph that is in the MAT091 text and created/authored by Mr. Lehmann.
>>>
>>> Per the directive, you are not permitted to "create" your own math questions for exams (problems must be taken from the text). You can use images that are directly from the text. Joe can make a copy of the graph from the text and then you could literally cut and tape the image onto the exam. Remember you have the online version as another option. If you need training on My Math Lab we can facilitate through CTLT.
>>>
>>> Casandra
>>>
>>> -----Original Message-----
>>> From: cleopatria.martinez@pcmail.maricopa.edu [mailto:cleopatria.martinez@pcmail.maricopa.edu]
>>> Sent: Thursday, March 08, 2012 2:51 PM
>>> To: Casandra Kakar; casandra.kakar@pcmail.maricopa.edu
>>> Cc: Wilbert Nelson; Joe Sueyoshi
>>> Subject: RE: Exam with Graph
>>>
>>> Casandra,   3-8-12
>>> Thank you for your response but you did not answer my questions.
>>> I am directed to use any materials the author provides and I have done so.
>>> I have selected a problem from the homework for my students' test. It is this graph that I wish to use. I am not "creating" my own g
>>> I have chosen to use the graph which is in the textbook, and I have used the software you have provided to me to make graphs and write
>>> I have complied with the directive but I feel there are now additional restraints you may be putting on me which are not conducive to
>>> Let me reiterate I did not ?create? the graph, I used the author?s graph and the author?s related questions.
>>> Please define ?created? as you are using it in this context, and please explain how I can copy a graph from the textbook in a math test
>>> Thank you,
>>> Cleopatria
>>>
>>>   -- Original Message --
>>>   From: Casandra Kakar <Casandra.Kakar@phoenixcollege.edu>
>>>   To: cleopatria.martinez <cleopatria.martinez@pcmail.maricopa.edu>,
>>>   "casandra.kakar@pcmail.maricopa.edu"

<casandra.kakar@pcmail.maricopa.edu>
CC: Wilbert Nelson <Wilbert.Nelson@phoenixcollege.edu>, Joe Sueyoshi
       <joe.sueyoshi@pcmail.maricopa.edu>
Subject: RE: Exam with Graph
Date: Wed, 7 Mar 2012 18:10:21 +0000

Dr. Martinez,
The textbook you are using has materials you can access online so there

is

no need for you to create your own graphs or figures. If you need
training on how to access the material we can make arrangements with CTLT.
Thanks,
Casandra

From: cleopatria.martinez
[mailto:cleopatria.martinez@pcmail.maricopa.edu]
Sent: Monday, March 05, 2012 9:48 AM
To: casandra.kakar@pcmail.maricopa.edu
Cc: Wilbert Nelson; Joe Sueyoshi
Subject: Re: Exam with Graph

Hi Cassie,
I was directed to you since I have concerns regarding the Math Chair's
refusal to copy a test I typed which contained a graph. The graph in
question was from the textbook, page 30. Joe is saying I "created" the
graph, therefore, he will not make copies. I don't understand since I
used the computer and the software provided to me by the District to
copy the graph and the test questions. I am following the directive but
the interpretation seems to

be

getting narrower and narrower.

I need for you to define "created" as it is being interpreted in this context.

Also, please explain how I can use a graph from the textbook in a math
test if using software available to me is not acceptable. What is acceptable?
Thank you,
Cleopatria

On 2/14/2012 4:27 PM, Wilbert Nelson wrote:
Dr. Martinez.

This is to confirm my conversation regarding your exam. The test will

be

printed without the graph, The recommendation is that you use the text

to

show students the graph or put it on the board for them to work from.
The test has been sent for copying today.

Wilbert

Cleopatria Martinez,PhD
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Department of Mathematics
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Office: 602.285.7390
Fax: 602.285.7668

<cleopatria_martinez.vcf>

Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390
        Cada cabeza es un mundo.

EXHIBIT 56

April Roll

From: Cleopatria Martinez [cleopatria.martinez@phoenixcollege.edu]

Sent: Friday, November 01, 2013 2:25 PM

To: April Roll

Subject: Fwd: Copy Request: Trig Identities

---------- Forwarded message ----------
From: **Casandra Kakar** <Casandra.Kakar@phoenixcollege.edu>
Date: Wed, Oct 12, 2011 at 8:39 AM
Subject: RE: Copy Request: Trig Identities
To: "cleopatria.martinez@pcmail.maricopa.edu" <cleopatria.martinez@pcmail.maricopa.edu>
Cc: "Joe Sueyoshi (joe.sueyoshi@pcmail.maricopa.edu)" <joe.sueyoshi@pcmail.maricopa.edu>, Anna Solley
<anna.solley@pcmail.maricopa.edu>, "Lee Combs (lee.combs@domail.maricopa.edu)"
<lee.combs@domail.maricopa.edu>

Dr. Martinez,
The use of materials you have created and the printing of the materials is in violation of the 12/9/10 directive
from the president.
Casandra

-----Original Message-----
From: cleopatriamartinez@pcmail.maricopa.edu [mailto:cleopatria.martinez@pcmail.maricopa.edu]
Sent: Tuesday, October 11, 2011 4:37 PM
To: casandra.kakar@pcmail.maricopa.edu
Subject: Re: Copy Request: Trig Identities

Hi Casandra, 10-11-11
Joe has asked that I acknowledge the Sullivan and Sullivan MAT187 textbook as the source of the
trigonometric identities document before he can approve it for copying. I also wish to use an amended version
of this document as a test. I do not feel comfortable acknowledging the textbook as the source as I am the
source of the document; therefore, such an acknowledgement would be a falsehood. The attached document of
trigonometric identities is important for the instruction, learning, and success of my students. Please advise.
Cleopatria

>-- Original Message --
>Date: Tue, 11 Oct 2011 15:46:51 -0700
>From: Joe Sueyoshi <joe.sueyoshi@pcmail.maricopa.edu>
>To: cleopatria.martinez@pcmail.maricopa.edu
>CC: Casandra Kakar <casandra.kakar@pcmail.maricopa.edu>,
> Kelly Loucks <kelly.loucks@pcmail.maricopa.edu>
>Subject: Re: Copy Request: Trig Identities
>
>
>Please acknowledge the Sullivan & Sullivan MAT187 textbook in your
>"notes" before I can approve it.
>
>If you are claiming this document as your own, then by the Directive, I

11/1/2013

>cannot approve it.
>
>joe
>
>On 10/8/2011 8:56 AM, cleopatria.martinez@pcmail.maricopa.edu wrote:
>> Joe,   10-15-11
>> Please make 30 copies of the attached trig identities on
>> lavender-colored papaer.
>> Thanks,
>> Cleopatria
>>
>> Cleopatria Martinez,PhD
>> Professor of Mathematics
>> Department of Mathematics
>> Phoenix College--MCCCD
>> 1202 W. Thomas Road
>> Phoenix, Arizona 85013
>> Office: 602285.7390
>> Fax: 602.285.7668
>>
>>
>>
>

Cleopatria Martinez,PhD
Professor of Mathematics
Department of Mathematics
Phoenix College--MCCCD
1202 W. Thomas Road
Phoenix, Arizona 85013
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Fax: 602.285.7668

--

Cleopatria Martinez, PhD,   Department of Mathematics, Phoenix, College 80213, (602) 285-7390

Cada cabeza es un mundo.

11/1/2013

EXHIBIT 57

Steve Montoya

From: Lee Combs [lee.combs@domail.maricopa.edu]
Sent: Wednesday, September 11, 2013 9:45 AM
To: Nora Reyes; Ernest Escobedo; Keith Crudup
Cc: Steve Montoya; Diana Davidson; Uppal, Pavneet
Subject: Re: Termination Appeal Hearing Committee

Members of the Hearing Committee,

Thank you very much for accepting this role. As you may know, I am the chief in-house legal counsel to the District. Since Dr. Martinez requested a hearing concerning the recommendation to terminate her employment, I have attempted to facilitate the formation of the hearing committee. However, I will not serve as the committee's attorney. Should the Hearing Committee need legal advice and assistance, an independent attorney will be retained by the district to provide it. Legal counsel for the Committee can help the committee assure compliance with legal standards for this type of decision, as well as questions of procedure and evidence. Please let Ms. Diana Davidson (480-731-8878) know and she will issue a purchase order.

As facilitator, I do have some basic information to share with you, so that you can get started with your initial set of decisions Then, I will step aside and communicate no further with you concerning this matter.

The next steps in the hearing procedure are described in the Residential Faculty Policies as follows:

"3.15.5.

The Hearing Committee shall select a Chair. Unless the parties stipulate to extend the time beyond that which is set forth below, the Chair shall conduct a meeting with the attorney representing the MCCCD and the Faculty member and/or his/her attorney/representative no later than twenty (20) business days after the formation of the committee for the purpose of exchanging exhibits, witness lists, and summaries of witness testimony. The Chair may choose to deny admission of an exhibit(s) or witness testimony for failure to comply with this Section.

3.15.6.

Unless the parties otherwise agree, the Hearing Committee shall conduct the hearing no later than ten (10) business days after the exchange of information detailed in Section 3.15.5. Prior to the hearing, the Faculty member must declare, in writing, whether he/she wishes the hearing to be public or in executive session. The member may attend the hearing; present any testimony, evidence, or statements, oral or written, in his/her behalf; and be represented by legal counsel or other representative. It is expressly understood the act of testifying will not be subject to reprisal by the MCCCD.

3.15.7.

Within five (5) business days after completion of the hearing, the Hearing Committee shall provide the Chancellor and the Faculty member with a summary of the evidence that was presented during the hearing In addition, the Hearing Committee shall render binding written findings of fact and conclusions of law and forward these along with its recommendation regarding dismissal to the Chancellor. The above deadline may be extended up to fifteen (15) business days after completion of the hearing, if the

Hearing Committee requests briefs and/or recommended findings of fact and conclusions of law from the parties."

Conference rooms at the district office are available for the pre-hearing meeting and the hearing itself. Please contact Diana Davidson (480-731-8877) to schedule the facility if that is your choice. The procedure does not restrict the committee as to the location of the hearing. However, the legal department retains a court reporter to transcribe the hearing, so Ms. Davidson will need to know where it will be held if you choose an alternate location.

Dr. Martinez is entitled to have legal counsel represent her in this matter, and she has retained Mr. Stephen Montoya for that purpose. The College and District administration will be represented by Mr. Pavneet Uppal.

Please confer among yourselves and select a chair as soon as possible: The committee was formed on September 3, 2013, and by my count the deadline for the information exchange meeting with the chair (see section 3.15.5 above) is Tuesday, October 1, 2013. The hearing is required to follow within 10 days of that meeting. Of course, all deadlines can be changed by agreement of the parties.

I will offer some general information about these hearings for those who are not familiar with the process and the committee's role in it. This information is intended to be descriptive of how hearings generally proceed and how common issues have been addressed. I hope you find it useful, for example, in deciding to ask the district to appoint legal counsel to advise you. It is not intended as legal advice, or direction to you in this case. The parties are free to question or challenge any of these points, and the committee is entitled to rely on the confidential advice of independent counsel retained for it by the district in responding to such objections and deciding how it will operate.

The hearing committee serves an important role in the termination process. Committee members have responsibilities similar to a jury or a judge, and this role requires a similar degree of impartiality. In the past, members have been challenged and resigned after they appeared to act on behalf of a party, or assumed the role of advocate or investigator before or during the hearing. To assure fair consideration of the matter and avoid controversy, members generally avoid contact with the parties, their counsel, or any witness while this matter is pending except as provided in the above policy. Hearing committee members strive to set any preconceptions they may have aside, maintain independence from the parties, and keep an open mind on the issues until they have heard, seen, and considered all the evidence.

Administrative hearings are informal: the formal rules of evidence and civil procedure are not strictly applied. Evidence is typically admitted unless it is clearly irrelevant (i.e. does not tend to prove or disprove any fact related to the issues to be decided), unreliable (e.g. anonymous or unattributed statements), or not disclosed in the pre-hearing meeting. To the extent that such questions do arise, the chair normally responds on the committee's behalf. Committee legal counsel advises, but the chair decides.

Generally speaking, the party presenting a witness has not been allowed to ask "yes or no" questions except on preliminary matters (i.e. "leading questions"). The party cross examining a witness for the other side can ask "yes or no" questions. Exceptions have been granted only when witnesses presented by one party are demonstrably aligned with the other (i.e. "hostile" witnesses).

Committees (like courts) have expected the parties to stipulate to the authenticity (not the relevance or probative value) of any documents they intend to offer in evidence unless there is serious dispute on that point. In general, they have found it helpful to ask the parties to submit to the chair (at the information exchange) pre-hearing statements with attached exhibits. Such statements set forth the facts the party intends to prove, their relationship to specific documents and witness testimony the party intends to present, and their relevance to the performance standard at issue. This is not required by the policy, but

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it can save a great deal of time at the hearing stage and avoid confusion.

The policy does allow you to request that the parties submit post hearing briefs and/or proposed findings and conclusions, and allows for extension of deadlines for that purpose. (section 315.7.)

Chairs have found that setting and maintaining a standard of dignity and respect for participants goes a long way to assuring a fair hearing and effective use of everyone's time.

At the hearing, the administration bears the burden to prove by a preponderance of the evidence (i.e. more likely than not) that the facts alleged in support of the disciplinary action recommended are true. The administration also bears the burden to persuade you that the facts support a finding that the employee violated the performance standard at issue.

Committees hear and see evidence in different forms and of different kinds. What significance or weight to give it us up to the committee. Committees have considered but not required direct evidence (e.g. the observations of an eyewitness) to prove facts: they commonly draw reasonable factual inferences from other facts and circumstances. (e.g. If the sidewalk is dry when we go to sleep and covered with snow when we wake up, we can safely infer there was precipitation during the night even though you didn't directly see, hear, or feel it falling.)

When facts are disputed, committees have employed their own common sense - just as jurors do at the conclusion of a trial - to evaluate the evidence in its totality and determine what the committee believes is true. Sometimes in sorting out the facts the decision will come down to a question of credibility. Who does the committee believe? Committees have considered factors such as consistency, responsiveness, and corroboration to make this determination. Counsel for the parties may call your attention to other credibility factors as well. Legal counsel for the committee can be helpful in your deliberations. However, it has been the committees that ultimately decided these issues, after hearing all the evidence and arguments.

After the hearing, as soon as possible committees generally meet to discuss what they have heard and, if possible, form a consensus as to what they believe has been proved and what their recommendations will be. If a consensus is impossible, the majority has determined the outcome in some cases. The committee's attorney can be especially helpful here, providing legal context for the committee's deliberations, assessing independently the legal arguments of the parties, and helping to articulate the conclusions of law that the committee must provide to the Chancellor. At your direction, based on your findings and conclusions, counsel may prepare a draft report summarizing the evidence, making findings of fact and conclusions of law, and documenting your recommendation to the chancellor as the procedure requires

At this point, I will step aside. After you select a chair, please let Ms. Davidson know the identity of the chair you choose, and if you would like to have the district retain independent legal counsel to advise and assist the committee. She is available to assist with scheduling meeting and hearing dates, reserving rooms, and contracting for attorney and court reporter services. 480-731-8877 is her telephone. Her e-mail address is included in the header to this e-mail.

Again, thank you for your service.
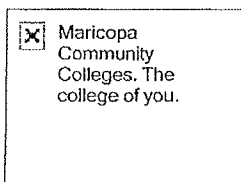
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| X | Maricopa Community Colleges. The college of you. |

Lee Combs: General Counsel

2411 West 14th Street, Tempe AZ 85281
phone | 480-731-8878 • fax | 480-731-8890
email | lee.combs@domail.maricopa.edu

On Wed, Sep 4, 2013 at 7:02 PM, Patty Finkenstadt <patricia.finkenstadt@phoenixcollege.edu> wrote:
Colleagues,

11/1/2013

This will certify that as of the close of business Monday, the following individuals were designated as members of the hearing committee concerning a recommendation to terminate Dr. Cleopatria Martinez:

Dr. Ernesto Escobedo
Dr. Keith Crudup
Dr. Nora Reyes

I have confirmed that they are available to serve, and therefore pursuant to the RFP, I hereby certify that the hearing committee has been duly formed

I understand that the committee's next step is to designate a chair, who will have some procedural responsibilities. Legal counsel for the committee will advise the group on next steps after a chair is designated.

Thanks to the members of the committee for their service in this important process.

Members, as soon as possible please confer among yourselves, select a chair, and let the other addressees above know your selection.

Thank you,

Patricia Finkenstadt
Faculty Association President

Patricia Finkenstadt, Ph.D.

Biosciences Faculty and Faculty Association President

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11/1/2013